

THE IF'S AND OUGHT'S OF ETHICS

CECIL DE BOER, PH. D.



Divi BJ37
Section .D28





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A Preface to Moral Philosophy

BY

✓
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TO THE MEMORY OF
A. F.
THIS VOLUME IS
RESPECTFULLY DEDICATED

P R E F A C E

THE theories and problems discussed in this book have been selected either for their importance or for their contemporary interest. There is no attempt, therefore, to construct a system of ethics. Furthermore, it is by no means the purpose of this book to cover the ground usually covered by introductory treatises.

The method of approach is predominantly dialectical. No solutions are proposed to problems which, upon analysis, appear to be such that only the cutting of the Gordian knot will yield a conclusion. Metaphysical presuppositions are avoided as much as possible (with what success the reader must judge). Although the book contains no plan of moral and social regeneration, the reader will have no difficulty discovering the positive beliefs to which the author seems committed by his criticisms.

Needless to say, the author's debts to more able and authoritative writers are innumerable. Special acknowledgment of debt is due to the following writers: Professor C. D. Broad (*Five Types of Ethical Theory*); Professor E. F. Carritt (*The Theory of Morals*); Mr. Felix S. Cohen (*Ethical Systems and Legal Ideals*); Professor A. C. Ewing (*The Morality of Punishment*); Professor L. H. Haney (*History of Economic Thought*); Professor Nicolai Hartmann (*Ethics*); Professor S. H. Slichter (*Towards Stability*); Professor Wilbur M. Urban (*Valuation: Its Nature and Laws, and, Fundamentals of Ethics*); Professor H. F. Ward (*Our Economic Morality*); and Professor Norman Wilde (*The Ethical Basis of the State*). Should the reader discover anywhere in this book a resemblance to the language and ideas of these authorities, he may confidently assume that the author has either chosen consciously or unconsciously borrowed from them.

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C. D. B.

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TABLE OF CONTENTS

CHAPTER I. INTRODUCTORY.

1. ETHICS AND MORALS.
 - (a) Two types of morality, p. 1.
 - (b) Morals and the moralist, p. 2.
 - (c) Intrinsic goodness, p. 2.
 - (d) Provisional definition of ethics, p. 3.
 - (e) Ethics and theory of the good life, p. 4.
2. ETHICS AS A SCIENCE.
 - (a) Traditional view of ethics, p. 5.
 - (b) Concerning the reduction of *ought* to *is*, p. 5.
 - (c) Are moral laws like natural laws?, p. 8.
 - (d) Concerning self-evident moral principles so-called, p. 10.
 - (e) Is ethics a science?, p. 11.
 - (f) The hypothesis of "inevitable progress," p. 13.
3. RELATIVITY AND MORAL SCEPTICISM.
 - (a) Conscience and the "moral faculty," p. 14.
 - (b) The relativity of morals, p. 17.
 - (c) Moral scepticism ultimately irrefutable, p. 19.
 - (d) Moral scepticism cannot be considered a serious attempt to account for the facts of the moral life, p. 22.
4. REDUCTIONISM.
 - (a) Reductionism versus intuitionism, p. 24.
 - (b) Six proposed reductions of the idea of intrinsic goodness, p. 25.
 - (c) Statement of subsequent procedure, p. 27.

CHAPTER II. THE HAPPINESS THEORY OF MORALS.

1. PSYCHOLOGICAL HEDONISM.
 - (a) Three types of hedonism, p. 29.
 - (b) Examination of the fundamentals of psychological hedonism:
 - (1) Human action determined by greatest immediate desire, p. 31.
 - (2) Fundamental motivation, the desire for pleasure, p. 36.
 - (3) Kinds of pleasure distinguishable by their quantity, p. 40.
2. ETHICAL HEDONISM.
 - (a) Ethical hedonism, a complete antithesis of psychological hedonism. However, ethical hedonism may involve an indiscriminate hedonism, and thus in practice reduce to psychological hedonism, p. 42.
 - (b) Epicureanism, a kind of Copernican revolution. Goods and values become the criteria of the legitimacy of pleasures, p. 47.
 - (c) Eudaemonism as a criterion of happiness, p. 48.
 - (d) Futility of the happiness test of morals, p. 49.

3. UTILITARIANISM.

- (a) Preliminary statement of Utilitarianism, p. 54.
- (b) Utilitarianism, a social program with an unfortunate theoretical basis, p. 54.
- (c) Consequences determine the morality of an act only in part, p. 56.
- (d) The ultimate criterion of the good life recognized by the Utilitarians is not happiness but certain specific social arrangements, p. 62.
- (e) Can men be treated as equals?, p. 63.
- (f) The Utilitarian conception of happiness is psychologically false, p. 66.
- (g) Utilitarianism hedonistic in language only, p. 70.

CHAPTER III. SELF-REALIZATION.

1. THE "HARMONIOUS DEVELOPMENT OF MAN'S FACULTIES".

- (a) The general meaning of self-realization is not a matter of debate, p. 73.
- (b) Fundamental thesis of the ethics of self-realization, p. 74.
- (c) Perfectionism, inevitable, p. 74.
- (d) Perfection of functions, a mere truism, p. 75.

2. THE RELATIVITY OF SELF-REALIZATION.

- (a) Platonic self-realization, p. 77.
- (b) Aristotle's ideal man, p. 78.
- (c) Stoic self-realization, p. 79.
- (d) Christian self-realization, p. 80.
- (e) Spinoza's metaphysical perfectionism, p. 82.
- (f) Butler's model man, p. 83.
- (g) Hegel's perfect individual, p. 84.
- (h) The Utilitarian ideal person, p. 84.
- (i) Neo-Hegelianism and the "universal self," p. 85.
- (j) Contemporary perfectionism, p. 87.

3. PERFECTIONISM AND THE DEMANDS OF MORALITY.

- (a) The paradox of perfectionism, p. 88.
- (b) Morality versus "harmonious development," p. 89.
- (c) "Harmonious development of faculties," a blanket and non-significant expression, p. 90.

CHAPTER IV. FORMALISM.

1. THE RATIONALE OF FORMALISM.

- (a) Formalism at its lowest approaches moral cynicism, p. 94.
- (b) The formalism of common sense, p. 95.
- (c) Formalism, a "natural" way of thinking, p. 96.
- (d) The logic of formalism, p. 98.
- (e) Is formalism based upon a figure of speech? Anyway, the position of the common man appears to have some justification, p. 98.
- (f) The subjectivity of modern formalism, p. 101.
- (g) Formalism does not involve the hypothesis of a moral "faculty," p. 102.

2. KANT.

- (a) Moral law as objective, p. 104.
- (b) Moral conduct as identical with rational conduct, p. 105.

- (c) The morality of an act has nothing to do with consequences nor with the "feelings of approval and disapproval," p. 105.
- (d) Categorical and hypothetical imperatives, p. 107.
- (e) Fundamental principles of moral action:
 - (1) Universality, p. 108.
 - (2) Rational beings as ends in themselves, p. 113.
 - (3) Moral principles as self-imposed, p. 115.
- (f) Morality and happiness. Theory of the *Summum Bonum*, p. 116.
- (g) Is the conflict of desire and duty essential to morality?, p. 117.
- (h) The goodness of the "good will" is relative, and the ethic of the autonomic motive is hopelessly abstract, p. 118.
- (i) Duty for duty's sake, and virtue as its own reward, meaningless, p. 121.
- 3. BASIS OF DUTY.
 - (a) Is duty more certain than a counsel of prudence? The alleged infallibility of conscience, p. 122.
 - (b) Concerning the authority of the moral law: Secularism versus Theism, p. 123.
 - (c) Exceptions to moral imperatives, p. 126.
 - (d) Moral responsibility and "duties-in-general," p. 126.
 - (e) Can a man do more than his duty?, p. 131.
 - (f) Morals neither based upon self-evident postulates nor upon universally recognized "permanent needs of human nature," p. 132.

CHAPTER V. THE SURVIVAL THEORY OF MORALS.

- 1. GENERAL STATEMENT OF THE ETHICS OF EVOLUTIONISM.
 - (a) The "ought" of evolutionistic ethics, p. 135.
 - (b) The logic of evolutionistic ethics, p. 136.
 - (c) The evolutionary principle is not necessarily egoistic, p. 137.
 - (d) "Survival of the fittest" neither logically nor ethically significant, p. 138.
- 2. DARWIN.
 - (a) Morality and the animal world, p. 139.
 - (b) Morality and the "social instincts," p. 140.
- 3. SPENCER.
 - (a) Goal of the evolutionary process. Egoism and the maintenance of survival values, p. 143.
 - (b) Good and evil, a matter of complexity, p. 146.
 - (c) Egoism, altruism, and equity, p. 148.
- 4. INADEQUACY OF EVOLUTIONISM IN MORALS.
 - (a) Evolutionistic dreams provide no adequate motivation for conduct, p. 150.
 - (b) Evolutionism academically possible, p. 150.
 - (c) On the other hand, biological conditions, although necessary, are not sufficient, p. 152.
 - (d) "Struggle for existence" and "natural selection," p. 153.
 - (e) Moral and biological facts, p. 154.
 - (f) "Natural sanctions" and reflective morality, p. 155.
 - (g) The mechanist faith, p. 159.
 - (h) Morality as a "redirection of congenital drives," p. 161.
 - (i) Concerning the emergence of moral values, p. 162.
 - (j) Limits of evolutionism, p. 164.

CHAPTER VI. FREEDOM.

1. PRELIMINARY SKETCH OF THE HISTORY OF THE PROBLEM.
 - (a) The attitude of the Greeks, p. 167.
 - (b) The problem as introduced into Occidental thought by the Church Fathers, p. 168.
 - (c) History of the theological problem, p. 168.
 - (d) Calvinism versus Arminianism, p. 171.
 - (e) The problem as stated in modern secular philosophy, p. 173.
2. DETERMINISM AND INDETERMINISM.
 - (a) Possible meanings of "freedom of the will," p. 174.
 - (b) The facts of psychological freedom, p. 175.
 - (c) Statement of the deterministic position, p. 177.
 - (d) Statement of the indeterministic position, p. 181.
3. RESPONSIBILITY: DETERMINISM VERSUS INDETERMINISM, p. 183.
4. IN THE END BOTH POSITIONS EQUALLY INTELLIGIBLE (OR UNINTELLIGIBLE), p. 186.
5. "SCIENCE" AND THE PROBLEM OF FREEDOM.
 - (a) Methodological presumption against indeterminism, p. 187.
 - (b) Indeterminism and scientific method, p. 187.

CHAPTER VII. RIGHTS.

1. RIGHTS AND THE LAW.
 - (a) Some necessary distinctions, p. 190.
 - (b) Law, morals, and rights, p. 190.
2. RIGHTS AS CONDITIONED:
 - (a) By social recognition of a common purpose: p. 195.
 - (b) By countervailing duties: p. 196.
 - (c) By the relative enlightenment of contemporary society: p. 197.
 - (d) By public policy: p. 198.
 - (e) By the novelty of situations, p. 199.
 - (f) Although institutionally conditioned, rights are not institutionally created, p. 199.
3. CONCERNING "NATURAL RIGHTS."
 - (a) Original notion of rights, p. 200.
 - (b) Concerning the idea of natural rights, p. 201.
 - (c) Natural rights and conventional rights, p. 203.
 - (d) Some "natural rights" and their relativity, p. 204.
4. THE NATURE OF RIGHTS.
 - (a) Are rights created by society's recognition of a common good?, p. 210.
 - (b) Rights as truths discovered, p. 211.

CHAPTER VIII. LEGAL JUSTICE AND PUNISHMENT.

1. THE TRADITIONAL THEORIES OF THE ETHICAL BASIS OF PUNISHMENT.
 - (a) Difference between the legal and the ethical question with respect to punishment, p. 216.
 - (b) Retribution more fundamental than deterrence and reform, p. 217.
 - (c) Deterrence irrelevant as an ethical basis of punishment, p. 218.

- (d) Inadequacy of the reformatory theory, p. 218.
- (e) Answer to a possible objection to the retributive theory, p. 219.
- 2. THE NATURE OF STATE ACTION IN PUNISHMENT.
 - (a) Can the state punish wickedness as such?, p. 220.
 - (b) The state and morality, p. 220.
 - (c) The state does in fact take action in accordance with an estimate of depravity, p. 220.
 - (d) State action in punishment, a judgment of moral disapproval, p. 221.
- 3. THE RETRIBUTIVE THEORY OF STATE ACTION.
 - (a) The retributive theory does not involve the necessity of state action with respect to every moral offense, p. 222.
 - (b) State action in the protection of rights is not identical with punishment, p. 223.
 - (c) The ethical basis of the state is not identical with the ethical basis of punishment, p. 224.
- 4. STATE ACTION IN PUNISHMENT, NOT IDENTICAL WITH PUNISHMENT ITSELF.
 - (a) Does retributive justice for some necessarily entail retributive injustice for others?, p. 226.
 - (b) Basis of the right of the state to deprive the offender of the rights of civil personality, p. 227.
 - (c) The only natural punishment, p. 229.
 - (d) Paradox of punishment, p. 231.
- 5. ETHICAL CONDITIONS OF "NATURAL" PUNISHMENT.
 - (a) Just punishment as a function of the moral development of society, p. 232.
 - (b) Obstacles to reform, p. 232.
 - (c) The only crime preventive, p. 235.
 - (d) Concerning capital punishment, p. 236.
 - (e) Morality and religion, p. 236.

CHAPTER IX. ECONOMIC JUSTICE.

- 1. INTRODUCTION.
 - (a) Limits of private property, p. 238.
 - (b) The materialism of the common man, p. 239.
 - (c) "Rugged individualism," p. 240.
 - (d) Economic price and social price, p. 242.
 - (e) The if's of socialism, p. 243.
 - (f) The if's of capitalism, p. 243.
- 2. THE PROBLEM OF DISTRIBUTION.
 - (a) Concerning the distribution of the national income, p. 244.
 - (b) Can we dispense with a capitalist class?, p. 245.
 - (c) Concerning the "capital levy," p. 247.
 - (d) Concerning reserves for idle labor, p. 248.
 - (e) Does industry owe the steady worker a living?, p. 251.
 - (f) Concerning "booms" and business cycles, p. 252.
 - (g) "From each according to capacity to each according to need," p. 256.
 - (h) Theory of the identity of the economic process and the moral process, p. 258.
 - (i) The problem of distribution more than merely economic, p. 261.

- (j) Does efficiency in production mean justice in distribution?, p. 262.
- 3. THE THEORY OF THE PRICE SYSTEM.
 - (a) Adam Smith's doctrine of pre-established harmony, p. 265.
 - (b) Realism of orthodox economics, p. 266.
 - (c) The heart of the price system, p. 268.
 - (d) The amorality of modern enterprise, p. 270.
 - (e) Relation of government to legitimate business, p. 272.
 - (f) Orthodox economic theory versus the "ethic of Jesus," p. 274.
- 4. FICTIONS AND ABSTRACTIONS OF ORTHODOX ECONOMICS.
 - (a) Definition of a bargain, p. 280.
 - (b) Efficiency in production as the basis of just distribution, p. 281.
 - (c) The profit motive, p. 283.
 - (d) "Abstinence," p. 285.
 - (e) Free trade, p. 288.
 - (f) Risk, p. 289.
 - (g) Fair competition, p. 291.
- 5. OUR BUSINESS MORALITY.
 - (a) Mammon and morals, p. 292.
 - (b) Waste, p. 295.
 - (c) Business and politics, p. 297.
 - (d) Privilege and class antagonism, p. 299.
- 6. PLANNED CAPITALISM.
 - (a) Theory of economic liberalism, p. 301.
 - (b) Practical difficulties of a planned capitalism, p. 302.
- 7. SOCIALISM.
 - (a) Contemporary socialist theory, p. 307.
 - (b) Socialism appraised, p. 313.
- 8. CONCLUSION, p. 327.
- 9. APPENDIX.
 - (a) Regulation, p. 332.
 - (b) Ethical aspects of the stock market problem, p. 333.
 - (c) Corporation law reform, p. 333.
 - (d) Concerning profit sharing, p. 334.
 - (e) Concerning national trade associations, p. 335.
 - (f) Government control of credit, p. 335.
 - (g) Monopoly, p. 337.

CHAPTER X. SEX MORALITY AND THE FAMILY.

- 1. EARLY SEX REGULATION AND POPULATION CONTROL.
 - (a) Concerning origins, p. 339.
 - (b) The Greeks and population control, p. 340.
 - (c) Hebrew family morality, p. 341.
 - (d) Concerning eugenics, p. 341.
 - (e) Population and means of subsistence, p. 344.
- 2. MONOGAMY AND THE PROBLEM OF DIVORCE.
 - (a) Is monogamy natural?, p. 345.
 - (b) Monogamy at the basis of important moral distinctions. Values of family permanence, p. 346.
 - (c) The problem of divorce laws, p. 351.

3. BIRTH PREVENTION.

- (a) The argument for birth prevention, p. 354.
- (b) Birth prevention and "hygiene," p. 355.
- (c) Prevailing attitudes toward the morality of birth prevention, p. 357.
- (d) The liberal attitude examined, p. 358.

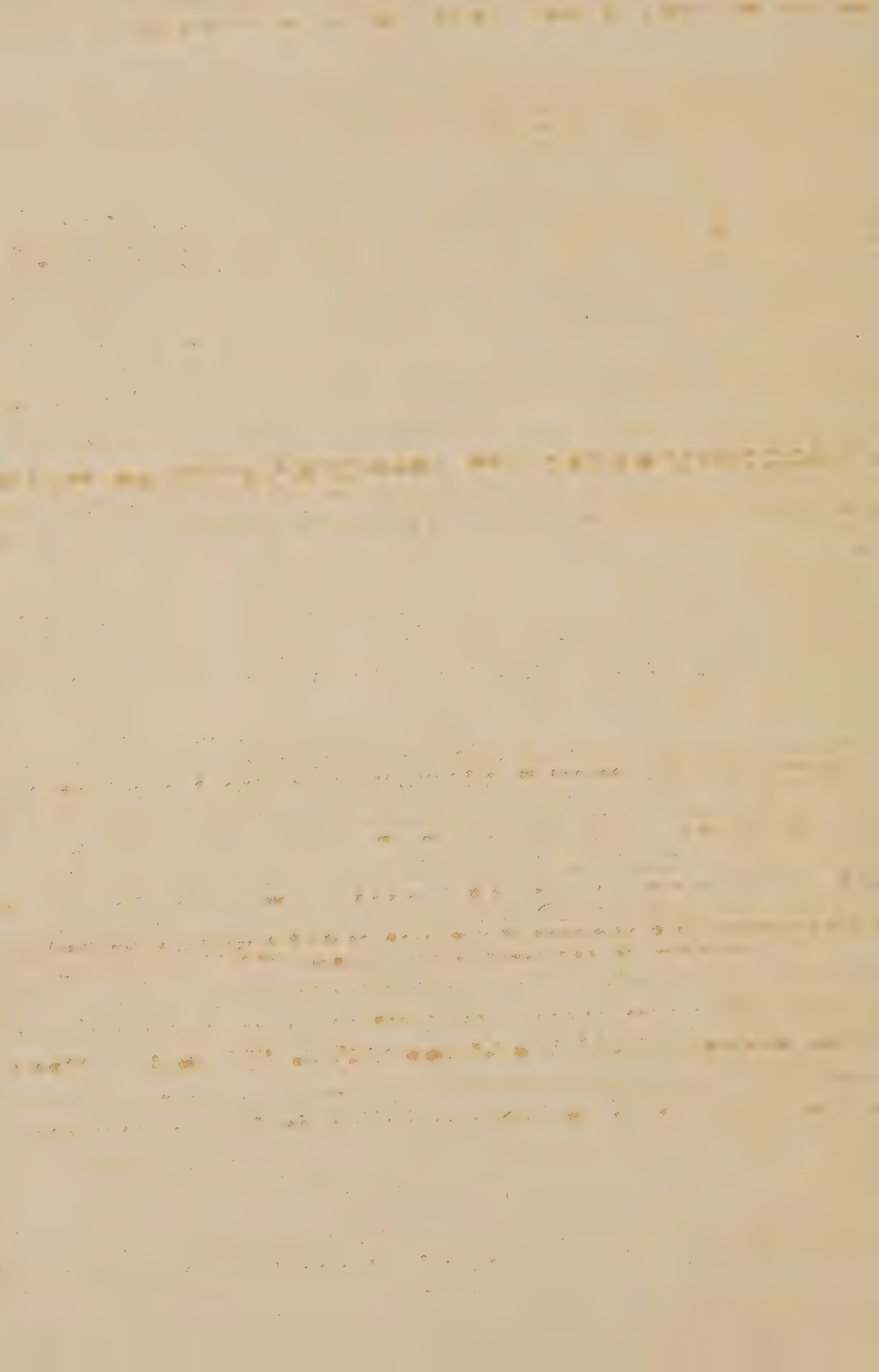
4. CONSERVATIVE VERSUS EUGENIST.

- (a) The traditional objection to birth prevention, p. 363.
- (b) Moral dangers, p. 366.
- (c) Attitude of the propagandist with respect to the question of family morality, p. 366.
- (d) Concerning regulation, p. 367.

5. CONCERNING CONTINENCE.

- (a) Is sex filthy?, p. 370.
- (b) Sex "needs" and mental balance, p. 371.

THE IF'S AND OUGHT'S OF ETHICS



CHAPTER I

INTRODUCTORY

1.

WE may roughly distinguish two main types of morality, namely, positive and ideal, the latter being the product either of religion or of the inner chamber of the philosopher. In the case of ideal morality the principles of right action are deduced from a general philosophy of the good life. Convenient examples of secular ideal morality are the ethics of Plato and Hegel, the former deducing the nature of virtuous action from an ideal of the perfect state, and the latter, from a peculiar interpretation of the history of culture, particularly that of the West. The religious ideal of the good life usually takes the form of a human economy which is willed by the Deity, and definite commandments or norms are either deduced from this ideal, or specifically stated, or both. Positive morality, on the other hand, is made up of that body of moral principles and rules actually operative in any particular age or within any particular cultural group; and, inasmuch as such rules are in part based upon tradition and experience, they are usually more or less inconsistent, so that the reasons given for the approval of one type of action may by implication condemn another type of action which is nevertheless approved. Positive morality, in other words, is eclectic; a body of precedent, logic, expedience, religious principles, and so on. Contemporary moralists usually take positive morality for granted, assume that it contains a certain amount of truth, and attempt

to formulate the general principles upon which most of it seems to be based in the hope of arriving at a more or less consistent and workable theory of the good life. Whenever this type of intellection takes place we are said to have reflective morality. Whether it be ideal or positive, all moral theory is the result of reflection upon what one already believes. This may lead to a more or less radical transvaluation of values or it may lead to only a slight modification in the order of the accepted scale of values. Generally speaking, a given moral tradition represents an accumulation of the judgments of conscience on the part of conscientious men. It is not usually the result of the work of philosophers merely curious about the logic and rationale of customs. A morality depends for its existence upon men of unusual insight and moral sensitiveness, not upon logicians and anthropologists.

There are those who take the view that the professional moralist should make it his business to influence morals directly. There is some precedent for this view. There was a time when men thought it quite as important to place the morals of the youth under the care of a wise and virtuous guardian as to place their health in the care of expert medical advisers. That time seems to be past, and moralists today usually take the view that it is no more the business of ethics to make men good than it is the business of logic to make them consistent, and that ethics should be confined to noting the facts of the moral life and proposing reasonable theories about them. Whether we take the view that a moralist should be a guide, or the view that he should be a theorist, or the view that he should be both guide and theorist, will be a matter of disposition and training.

In ethics we are concerned primarily with intrinsic goodness and only secondarily with goodness as a means. A thing is called intrinsically good if it is good in itself. It is implied, of course, that the means are good if compatible with a good

end, and that the conjunction of means and end is intrinsically good. Thus the means that really convert people to an ethical religion must themselves be ethical; at least, the attempt to convert men to brotherly love and saintliness by means of fire and sword seems rather hopeless. Of course, if one could formally or experimentally show that sword-point conversions save men's souls such a method would be justified by its results no less than a painful operation is justified by its results. However, the probability of saving a man's soul by destroying his body is so remote that only ignorance or bestiality will induce men to employ this method.

Ethics, then, may be defined as it was first defined by the Greeks, namely, as a study of forms of human behavior for the purpose of discovering their worth and efficacy as means to the perfection of life (whether perfection is ever achieved is, naturally, irrelevant). This definition assumes that the meaning of perfection is understood, although it may not be capable of exact formulation. Among the Greeks it was understood to be that harmonious exercise of the human faculties which Plato called justice and which for the less philosophical meant temperance and prudence.¹⁾ Just which acts may be called good and which bad, will, therefore, depend upon our belief concerning man's true function or purpose in life; and to the extent that this is speculative, to that extent must our ethics be speculative. It follows that we may regard ethics either as a study of the efficacy of the means once the end is known or as a study of both end and means. In the latter case ethics becomes a search for the meaning of the good life and, as such, a branch of metaphysics. Of course, inasmuch as all judgments of moral approval and disapproval ultimately presuppose a philosophy of life, no ethical principles are unconnected with metaphysical principles; nevertheless, it is possible to deal with the facts of the moral life in such a

¹⁾ See the chapter on *Self-realization*.

way that the reference to a general philosophy is no more direct than it is in the case of, say, physics. As a matter of fact, the majority of contemporary ethicists attempt to deal with the facts in just that way — with emphasis upon the word attempt, since few if any are free from slightly evolutionistic prepossessions. They almost invariably assume that morals are subject to development from primitive tabu morality to the morality of reflection found in civilized communities, that the best has survived, and that our descendants will have a refinement as far above ours as ours is above that of the primitives. This sentiment is partially due to an undying faith in the Aristotelian doctrine — so brilliantly and self-contradictorily stated by Rousseau — that about all society requires in order to do better is to know better. Consequently, behind most contemporary treatises on ethics there lurks the philosophy of inevitable progress.

Obviously, ethics did not first appear as a deduction from some philosophy of life, but rather as a consequence of the fact that men were from the first concerned with the right and wrong of some practical situation. Having discovered a workable answer, they accepted it as authoritative solely for pragmatic reasons — just as the Egyptians first accepted the truth of the Pythagorean theorem — until more reflective minds began to demand other reasons, either because they happened to be more inquisitive than their fellows, or more conscientious, or merely because they found tradition inconvenient. This demand could only be met by speculating upon the final meaning of life, and one cannot long speculate about the meaning of life without speculating about the meaning of the whole universe. Good acts can never be merely instrumental; although they are means to the good life, they also have in themselves those values which constitute the final value of the good life. A good act is good because it is both a means to goodness and a part of the total harmonious scheme of what is

called the perfection of life. It is not implied, of course, that all acts, virtues, and dispositions are of equal importance; nevertheless, the importance one attaches to them will largely depend upon one's theory of what ultimately constitutes the good life.

2.

The traditional view of ethics is that it, together with logic and æsthetics, differs from the descriptive sciences in that it deals with what ought to be rather than with what is. Thus psychology is said to deal with human conduct irrespective of whether it be good or bad; hence it is said to be purely descriptive. Ethics, on the other hand, is said to be interested in conduct only in so far as the terms good and evil are significantly predicable of it; hence it is called normative. In short, for psychology the question is, How do normal and abnormal people naturally act? whereas for ethics the question is, How ought people to act?

Many moralists today seem to be worried about whether or not ethics is really a science. They, naturally, welcome any attempt to reduce the *ought* to *is*, their thesis being that the distinction between the descriptive and the normative is merely provisional, and that there is no essential difference between ethics and any so-called descriptive science. Thus instead of asking, How ought people to act? we might ask, How in fact do normal persons belonging to our civilization act whenever they take their duties seriously? Evidently the answer to the latter question would be a descriptive statement, and it would at least approximate the answer to the question, How ought persons on the level of reflective morality to act? Conversely, we can almost always reduce a descriptive statement to a purely normative one. Thus we might ask, How ought a person to act if he wishes to be called normal or if he desires to

pass an intelligence test? And the answer to this question will be approximately the same as the answer to the question, How do normal people generally act under usual conditions? or, What is the average grade of those who pass intelligence tests? In other words, a so-called normative principle becomes descriptive once we take a certain average performance as our standard and conversely a descriptive standard becomes normative once it becomes applied. Furthermore, a descriptive statement pretends to be a statement of the true nature of things and therefore virtually a statement of how and what things ought to be in order to realize their fundamental character. Generalizing we may say, therefore, that an *is* proposition may be stated as an *ought* proposition and that an *ought* proposition presupposes something that is. In the language of ethics this would mean that a statement as to how I ought to act derives its significance from the fact that I am a creature who has certain obligations; further, if I were perfectly the sort of creature I fundamentally am I would, under standard conditions, naturally act in a certain way. There can be no ought where there are no facts to make it significant. Values are really facts — or at least presuppose facts — and a normative statement is simply a factual statement having a different subject. The statement that politicians ought to be honest can be stated as an *is* proposition to the effect that honesty among politicians would make government less expensive and justice more certain.

Now all this seems at first sight perfectly clear and perfectly true, and if we limit ourselves to the thesis that a normative proposition abstracted from facts is non-significant there would seem to be nothing to argue about. On the other hand to suppose that all normative conceptions are reducible to descriptive propositions appears to be somewhat premature. If politicians were honest, government would be less expensive. Government ought to be less expensive because, if government

were less expensive, the citizens would have more money for themselves to use as they see fit. Therefore, the citizens ought to have more money for their private use; this statement can be reduced to the descriptive assertion that if people have more money for their own use they will have the privilege of spending it either wisely or foolishly, and it is good for citizens to have the opportunity to make moral choices. Since people ought to spend their money wisely, the statement can further be reduced to the proposition that if they spend it wisely they will in the long run get more for their money, either directly or by way of the benefits derived by society as a whole. And now the question is this, What shall we mean by getting more for one's money? and, What is the real welfare of society? And right here we find ourselves face to face with about as many theories as there are moralists and economists who please to theorize; and each of the various theories will involve *ought* propositions reducible to *is* propositions, which in turn involve *ought* propositions, and so on *ad indefinitum*. Furthermore every reduction of a normative to a descriptive proposition involves a change of subject, so that it is rather doubtful that we ever do really reduce *ought* to *is*.

Looking at the question of *ought* and *is* from another point of view there appears to be a rather fundamental difference between the *ought* of ethics and the *ought* of applied science. For example the *ought* of psychology represents a standard based upon typical events or performances. Can this be said of the *ought* of ethics? I ought always to be unselfish: Is this a proposition arrived at as the result of an examination of typical performances? Do the demands of honesty, generosity, justice, and chastity represent averages? Does ethics really arrive at standards by asking, How do men on the level of reflective morality generally act under standard conditions? To be regarded by my fellows as a normal person I ought to have average intelligence, but to the *ought* in this case it will

be altogether irrelevant whether I have more than average intelligence. Morality, on the other hand, demands more than merely seeing to it that I do not fall below the average of moral conduct — naturally if I succeed in being average and no more the majority of my neighbors will be satisfied, but that does not determine the demands of morality. Nor are the demands of morality determined by the performance of the best. The moral law does not say, Be not less honest nor less generous than the best; it says, Be the best; and that means, Be better than the best; and that means, Be honest and generous always. Whereas the ought of psychology is based upon averages, that of morals is based upon an ideal of life, and that is at least not determined by averages. The virtuous men of the race may occasionally present us with a valuable and useful concrete picture of the moral standard, but their lives do not make the standard. It may be very wise for me to keep in mind the example of good men, and it may be a source of some comfort to me that even the best have been far from ideal; however, the fact that I have done no worse than the saints does not signify that I have met the demands of morality. In fact, all it does signify is that my conduct has been better than some and no better than others.

There are those who hold that moral laws are in fact natural laws since they express the conditions of life's highest development, conditions which have natural and invariable consequences when they are neglected or violated. Thus the price of dishonesty is a lowered moral tone, jealousy brings unhappiness and thwarts achievement, sexual excess results in ennui and pessimism, and so on. There is, of course, no doubt about this, but unfortunately the idea of lowered moral tone involves something obviously relative. Thus contraceptives seem perfectly natural to the moral sense of the exponents of the Federation of Churches of Christ in America, but their use would almost inevitably lead to a lowered moral tone on the part of

a conscientious Catholic. "To him that esteemeth a thing to be unclean, to him it is unclean" is a truth we cannot avoid, and it appears to be a serious obstacle to the theory that moral laws are like natural laws. Whether a practice or attitude will lower my moral tone evidently depends in large measure upon my beliefs as to the true view of morals. And about all we can ascertain in this connection is that he who violates his conscience in one thing will experience difficulty in keeping himself from violating it in other things, and that even the violation of an antiquated tabu has its moral dangers.

Here our ethical scientists will be inclined to make an appeal to the panacea of education and enlightenment; which, unfortunately, is merely to replace one dogma of the ultimate nature of the good life by another. Now an appeal to the times and to majorities can never settle matters of conscience — and this, by the way, is one of the peculiar moral facts which we have to explain. Whether, for example, Catholicism is antiquated in its attitude toward artificial birth-control and the Federation of Churches enlightened will depend upon one's theory of morals; nevertheless, it is a postulate of morality that conscientiousness is always a duty, not because the conscientious man is always right, but because it is a reasonable assumption that conscientiousness in the long run leads to the best results. The argument with respect to lowered moral tone contains an indubitable truth, but it does not decide in particular cases just which practices will or will not lower one's moral tone. An occasional moderate indulgence in the use of liquor might possibly lower the moral tone of the majority of clergymen espousing the cause of American church federation but that hardly proves that it will lower the moral tone of everybody. To some, good fellowship stimulated artificially is unclean, whereas child-birth prevented artificially is of the essence of wisdom and purity.

In this connection, we may briefly consider the question of whether there are such things as self-evident ethical principles. Naturally the answer will depend entirely upon just what we mean by self-evident. If we mean that, having undergone the necessary education and refinement, a person can know intuitively the solution of any and every moral problem, then there are obviously no self-evident moral truths. If, on the other hand, we mean that certain conventions are absolutely indispensable if social life is to exist at all, there can be no harm in calling them self-evident. There must be a minimum of honesty, there must be respect for the person and property of others, theft must be discouraged, sex must be regulated, and envy and jealousy must not be allowed free expression. There are restraints that must simply be enforced or social life becomes impossible, and inasmuch as man is essentially social such enforcement would seem to be categorical. If, therefore, our idea of human life is the life of primitive man, we must recognize at least certain social postulates; if it is somewhat higher, our postulates must be at least more numerous, and so on until we arrive at what is considered civilized life. Now, if philosophers have never agreed on what ought to be considered as self-evident in morals, that will be because they have rarely agreed on the final meaning of life. Anyway, we may safely conclude that if there are any self-evident moral principles — i. e., self-evident for everybody — they must be those principles of human conduct in the absence of which primitive social life becomes utterly impossible (which may mean that the fewer my self-evident moral principles are the lower my morality will be). This, of course, does not mean that in the study of ethics we may expect considerable aid from the science of anthropology. Anthropology by itself has nothing to do with ethics although it may now and then shed some light upon minor matters connected with tradition. It is hard enough to separate morality from convention and pru-

dence in the behavior of men and women in the society we know, without going to the tabus of the primitives about which we understand relatively little. Furthermore whatever we think we know about the savages of the past we invariably tend to interpret in the light of what we know about the savages of the present. And, even where we have good reason to believe that there is no essential difference between the behavior of past and present savages, such behavior has very little to do with reflective morality. Anyway, if we must go to the past it will be better to go to Plato and kindred ancients than to the probable conventions of some extinct race of cave men interpreted in the light of what we know about the conventions of some Australian tribe.

Is ethics a science? There can be no reasonable doubt that the facts of the moral life are just as objective as the facts of physics. It is a fact that we distinguish between right and wrong, that frequently we have specific reasons for calling certain acts either good or bad, that we feel the force of moral obligation, that we make laws and prescribe penalties, that we distinguish between ignorance and vice, and that we have ideals of the good life and also try occasionally to realize them. These are the facts and there is no a priori reason why men should not try to formulate working theories about them and in this way build up a science, provided, however, they keep in mind that this particular science can have no more philosophic generality than any other science, and that its theories of good and evil will be working hypotheses having more or less practical certainty. Ethics will then be a study of a particular aspect of human life; it will be essentially descriptive, employing if necessary certain convenient fictions; and the determination of just what constitutes life's highest good will be relegated to metaphysics or religion.

It is, of course, a simple matter to declare that we can know by the "science of ethics" that life's highest good is the "per-

fect life" or the "complete development of the bodily and mental powers in all spheres of human existence"; but expressions such as these, after all, leave us pretty much in the dark as to the real ultimate character of goodness and the good life. Now it happens to be one of the characteristics of a genuinely moralized conscience to demand certainty as to what really is good and therefore obligatory. Whereas in science it is possible to be content with the knowledge that the final truth has yet to be discovered, this is intolerable in morals, where we require belief. It is for this reason that moralists not infrequently cross over into the field of metaphysics when they come to the problem of the nature of the good life. Professor Paulsen in his *System of Ethics*, for example, reverting to his voluntaristic prepossessions, makes the statement that our knowledge of the perfect life itself "is not determined by the intellect but by the will." Man's ideal of the good life is something he must feel, since "it is nothing but the reflection of the innermost essence and the will of the individual himself in ideation. If other individuals have different ideals, I cannot prove to them the inadequacy of their ideals by logical demonstrations or by empirical causal investigations."¹

There is a note of scepticism in this. Having come to some agreement as to the nature of this highest good we may, of course, reason about the means, but the thing that is really important, viz., the exact nature of the highest good seems to be something which, unfortunately, we must take for granted. Naturally, the pressures of nature and society force us to find practical ways of getting along with the least possible friction, but to believe that we have got far enough along to make significant calculations as to the nature of the truly moralized life would seem to require a congenital optimism. Our ideals of successful manhood are today obviously hybrid. If we

¹) *System of Ethics*, p. 11.

wish particularly to impress youth with the values of honesty and general reliability, we are careful to attach such virtues to success and power. Our real heroes are the successful warriors, tradesmen, and politicians; and our natural tendency is to make a case for morality by reflecting upon it the glory of worldly achievement. Consequently, if the moral sceptic is content to maintain that our so-called moral principles are so many working hypotheses and that as such they can have no authority for the individual conscience, there will be nothing in the "science of ethics" with which to refute him. We shall, in fact, be compelled to go beyond "science" to the metaphysical dogma that everything is for the best in the best possible world, and that as time goes on the race will become morally better.

Unfortunately, the assumption that the race is improving its morals has a drawback, especially if we consider the fact that despite our enormous material wealth, our scientific knowledge of man and the physical world, and our unprecedented opportunities to learn the lessons of history it would be hard to find an age in which both nations and individuals are more bewildered and idiotic than our own. "For nowadays, when all have opinions and too many also practices of their own; when every man knows better, and does worse, than his father before him; when to be enlightened is to be possessed by some wretched theory, which is our own just so far as it separates us from others; and to be cultivated is to be aware that doctrine means narrowness, that all truths are so true that any truth must be false; when 'young pilgrims,' at their outset, are 'spoiled by the sophistry' of shallow moralities, and the fruit of life rots as it ripens — amid all this 'progress of the species' if we want a moral sense that has not yet been adulterated, we must not be afraid to leave enlightenment behind us."¹) To this the disciples of the doctrine of inevitable

¹) Bradley, F. H., *Ethical Studies*, p. 3, Revised (second) Edition.

progress will probably answer that the way of progress is the way of crisis, and that between cultures there are the dark ages when the spirit of man broods upon the waters until the dawn brings a resurrected humanity more perfect in knowledge and good works. This, of course, is a possible way of looking at progress; nevertheless, it is a humiliating confession for a positivistic and scientific generation, since it implies that the real miracles of progress are performed in the black chambers of crises and dark ages.

3.

There is a theory of long standing to the effect that human beings have a special faculty called conscience by which they intuitively apprehend good and evil acts. This theory was formerly a prevalent belief and is to some extent still presupposed in the ethical discourse of the common man, to whom the reality of moral distinctions depends upon the reality of this peculiar faculty.

Moralists usually find this theory easy game, and they promptly point out that the conscience of the Turk is not the conscience of the Puritan and that, consequently, conscience is something purely relative. However, this will not usually impress the common man, who will at once begin to theorize to the effect that if the Turk can be said to have a conscience at all it is at least badly deformed, and that in general one man's conscience differs from that of another merely in degree or nature of development. If I think there is nothing wrong about an occasional "white lie," that is probably because I have not given my conscience as much of a chance as civilized scruples demand.

Now the truth seems to be that neither the relativist nor the common man is entirely wrong. The conscience of the Turk may not be that of the Puritan; but, on the other hand,

both have a conscience, and this is the significant fact for ethics. The Turk may call right what the Puritan calls wrong, but both distinguish right from wrong; both, therefore, manifest a consciousness of moral worth — difficult as this may be for the common man to believe in the case of his idea of a Turk — and this implies some consciousness of obligation, which involves consciousness of merit or guilt. All this is clearly given wherever we deal with normal human beings.

Unfortunately, since nothing more is given, moral scepticism and doubt are possible. Thus we know that beauty is the opposite of ugliness, but unless our experience and our knowledge reach beyond the realization of this intuitive distinction there will be no guarantee of agreement among men in particular cases. The Turk knows that if drunkenness is wrong, sobriety is right; but he also knows that if tolerance toward non-Mohammedans is wrong, intolerance and whatever atrocities that may involve is right — and here the sceptic may legitimately raise his voice. The ability to know intuitively the distinction between right and wrong does not involve the ability to know intuitively which acts are right and which wrong. And in this respect our sense of right and wrong is no different from our sense of logical validity — if the premises are true, logic will yield true conclusions, but logic by itself cannot ascertain the truth of the premises. So also in the case of moral judgment: If a person has been taught to believe that certain principles of action are right, he may infer that their contradictories are wrong, but he cannot know in any immediate fashion just which principles are right. This fact at once eliminates the theory of native approvals and repugnances by the "light of reason" or by the intuitions of "moral sense." Unchastity, murder, and falsehood have at some time or other been both permitted and approved.

To this the common man will probably reply that nevertheless certain repugnances are native, but that superstition and

a low level of morality may render them inarticulate; consequently, certain civilizing processes are required to bring them clearly into consciousness. Just as education is necessary to develop a person's taste in music, so training is required to make men realize that certain things are in themselves right or wrong and that there is an absoluteness and invariability about the moral law which, although its concrete applications may vary, nevertheless remains eternally the same. Thus it is always wrong to steal, whether in the form of overt robbery or in the form of a holding company; but, not until men have attained a certain degree of moral and intellectual refinement, do they discern the essential sameness of unfair wages and burglary. And just as the geniuses in music by their visions of absolute beauty provide the opportunity for the rest of us to refine our tastes, so the saints by their visions of the good life and their progressive deliverances of conscience enable us to see with increasing clearness the main objectives of the good life. Man has within him standards of morality just as he has standards of æsthetic taste and standards of valid thinking, but it is not until the corresponding faculties are determined in their exercise by the proper stimuli that he becomes conscious of any standards whatever.

This view, the sceptic will observe, is a possible theory only if we can determine just what are the "proper stimuli" by which the objective standards inherent in conscience become clear to the human mind. And he will point out that one civilization presents this set of stimuli and another that, so that what will be clear to one man's conscience will not be equally clear to another's. Furthermore, inasmuch as the common man virtually admits that there is no conscience without education, it follows that the sort of conscience a man will have will depend upon the sort of education he gets — unless he is prepared to maintain that a conscience the same for all will emerge no matter what the education. In other words,

the common man's theory of conscience will be entitled to a hearing only if it can be shown that all we require in order to bring to light certain inevitable standards is simply to expose the individual to "experience." Now it might be that if all persons were thus exposed they would have approximately the same conscience, but it is clear that the sort of conscience they would have would not be the sort of conscience which the common man has in mind when he talks about heroes and saints. And so, according to the sceptic, the conclusion must be that moral standards are human conventions for the purpose of social control, and that moral laws vary with time, place, and climate. If the frame of reference of our moral judgments is the cultural history of the West, we may call this or that better or worse, but cultures are disparate and moral judgments are not equally intelligible the world over.

Now the customary and approved way of answering the sceptic is to point out that although moral codes vary, this is not a fact which proves scepticism. As we pass from one group to another we find not only varieties of manners but also of diet. And the fact that diet is obviously not the same for the infant as for the adult, for the sick as for the healthy, does not invalidate the standards of dietetics. Furthermore, as the race progresses men become increasingly aware of their real spiritual and moral needs, so that what we today believe about good and bad has greater authority than what our ancestors believed, simply because we are in a position to know better than they. Change, therefore, seems in the long run to be for the better, and whatever is better may claim final authority. Naturally, we must suppose that our moral knowledge is very imperfect; but, on the other hand, a moral code more perfect than our own would be rather useless since it would not answer to existing needs. For example, it may be that in the future a military career will lose its present aura of respectability because humanity will come to regard warfare

as it now regards murder and banditry and other forms of anti-social action. But for the time being we must place military skill in the category of legitimate occupations simply because arbitration has not been fully developed and it would be meaningless and foolhardy to act as though it had been. The military virtues, therefore, are today conditions and elements of the good life; in fact, it may be that by means of these very virtues the race will eventually breed men sufficiently courageous to outlaw the military application of courage, self-control, and integrity. The moral law is and must be based upon an ideal of human well-being. Now, as human ideals become more enlightened, moral standards will naturally change. That, however, does not justify refusal to acknowledge their present authority. The light we have may not be perfect, but we are responsible for that which we have, and to refuse such responsibility is simply to revert to a lower morality. The individual who calls the moral law a mere convention and therefore feels justified in rejecting its authority, has given up the struggle for the good life and is in danger of becoming anti-social. No man with vision and moral earnestness will overthrow a convention unless he has in reserve a better one to take its place. Moral law, like jural law, need not be unchanging in order to be authoritative; in fact, a static moral code would signify a static moral life. If scepticism is possible in morals, it would appear to be no less possible in physics; but the physicist does not admit — nor indeed ought he to admit — that, inasmuch as our scientific knowledge of the physical world presupposes a particular frame of reference beyond which our formulae have no validity, therefore physics does not really constitute knowledge of the physical world, and that, consequently, it makes no difference just what we say or what we believe. The physicist will continue to distinguish between those who have a right to talk and those who do not. Although he may admit the relativity of his

knowledge and the partial character of his discoveries, he will and must continue to believe that there are right and wrong ways of dealing with the problems of the physical world and that those who make use of wrong ways know less about the truth than the others.

There is a good deal of truth in all this but not enough to refute scepticism. Undoubtedly there are such things as superior moral traditions, systems of moral judgments, come down to us as the deliverances of moral conscience at its best, but such traditions are many and between them contain elements which do not blend. Again, the deliverances of the Christian conscience are not the same as those of the secular conscience, and although they frequently seem to coincide, they are nevertheless fundamentally disparate and more or less incommensurable. A moral commandment whose sole rationale is the integrity of the State is not the same as one rooted in the idea of the love of God and neighbor, even though outwardly they may seem to result in the same sort of behavior. The assertion, that human nature is such that it recognizes values and feels a sense of obligation with respect to them and that inasmuch as this appears to be a universal characteristic of mankind we may call this an objective fact, is quite true; but, on the other hand, the mere fact that we recognize values and feel responsible for their preservation does not guarantee the ultimate rightness of any particular scale of values. Finally, there can be no doubt that moral insight need not be complete in order to be authoritative for the individual who has it; but, on the other hand, the incomplete insights of others can never be authoritative for me. Moral commands coming from fallible men can hardly be considered binding upon my conscience, despite the fact that it might be wise for me to respect them. We are sometimes told that the final test of the morality or immorality of action is whether it leads to development or moral decay. Now any kind of conduct invariably bringing

physical decay may safely be assumed to be for the most part mistaken, but beyond that the test yields no significant results. Thus the development of a secular outlook upon life will naturally mean the decay of the religious; consequently, what from the religious point of view would mean decay and a lowered moral outlook would from the secular point of view constitute development and moral advance—although, of course, the so-called religious liberal may get around this simply by changing the definition of religion.

The sceptic's point is this: Moral laws are human conventions, and they vary with the notions different societies have of what they call their well-being; hence, all moral rules are equally authoritative and therefore none are *ultimately* authoritative. Now the supposed refutation of this is: Moral laws are human conventions varying with time, place, and the ideals men have of their earthly good. However, there are some ideals of human good which are better than others; the corresponding moral codes, therefore, are more authoritative. Nevertheless, all moral codes are authoritative for such individuals as live under them just so long as they actually do the work of social control. And any moral code forfeits its authority only when it no longer ministers to the moral needs of society.

Obviously this is no answer to moral scepticism unless the sceptic agrees that as the race grows older it does in the long run obtain a more perfect insight into the real nature of moral needs. The sceptic does not deny that various moralities actually do make for social control; his point is, however, that merely because certain enforced beliefs about right and wrong actually succeed in *controlling the conduct of the group* therefore they ought to be *binding upon the conscience of the individual*. The assertion that we inherit moral insight just as we inherit scientific insight, that as the generations come and go this inheritance becomes richer in wisdom and therefore

more authoritative, and that we are absolutely responsible to the degree of insight we have, invests moral law with an authority no more absolute than the authority of a working hypothesis.

Now the position that a moral law has the authority of a working hypothesis does not fundamentally differ from the position of the moral sceptic. The presupposition, that whatever appears to be my duty today may in the end prove to have been a legitimate mistake, certainly weakens the moral force of my duty. A working hypothesis which fails to work in my case cannot be true for me; and that a code is authoritative because it meets the needs of the majority may be good political doctrine, but that does not make it good morals. It may be my moral duty to change the needs of the majority. Nations still resort to diplomatic deceit and war, and armies to controlled prostitution, because supposedly these things meet human needs; but that does not prove them moral. And whether what is called a need really is a need frequently depends upon our theory of needs, so that just what one's needs appear to be will depend at least in part upon whether one be a Freudian or a Transcendentalist. The conception of the authority of morals as analogous to the authority of a system of working hypotheses may give us something authoritative for certain purposes (e. g., social control, as the sceptic alleges), but to be authoritative for certain purposes does not mean to be authoritative for conscience. The fact that a theory works in biology or chemistry does not prove that it states a philosophic truth. And if this is what the sceptic has in mind there is no good reason why one should wish to quarrel with him. An act hazarded on the basis of a working hypothesis can never be a precedent for me or any one else.

However, the moral sceptic is committed to a doctrine considerably more radical than the doctrine that a moral principle has the authority of a working hypothesis. The moral sceptic

must ultimately take the position that our moral judgments have no final reference, that in the last analysis we can never know just what we are talking about, and that life is a dream from which we never quite awake. He must hold that there is no discernible difference between a tabu and a moral principle. His argument must be that tabus originally had behind them some practical reason or other usually connected with tribal survival and with superstitions concerning the anger or good pleasure of the gods, and that given different ideas of survival and different superstitions, there will be a different morality. The moral sceptic, in other words, must end in moral agnosticism.

Now, although we cannot formally refute even agnosticism, we may at least attempt to put it in its place. And, in the first place, we may note that it has no better recommendation than the fact that it cannot be refuted. And just what this is worth may be judged from the fact that it is quite as impossible to refute absurdity as it is to refute truth. That moral standards undergo modification is obviously a fact, and that the cultural history of the West is the channel of moral progress is just as obviously an assumption; but that does not establish moral agnosticism. To establish moral agnosticism it must be shown that the very idea of value is meaningless; that the reasons why a civilized European would not care to return to the morality of the jungle are ultimately unintelligible; that there is no difference between higher and lower; and that, consequently, the idea of obligation is nothing more than a convenient fiction. The fact that we cannot infallibly intuit just what is higher or lower in any concrete situation does not justify moral agnosticism, since it does not follow that because we cannot *intuitively* and *infallibly* know just which acts are good and which evil, therefore any act may be either. In short, to establish scepticism as a respectable philosophy of life one would have to show, not merely that men disagree and

are frequently mistaken in their judgments concerning good and bad, but that ultimately it will make no real difference whether they call good bad or bad good.

It is of course conceivable that life is almost entirely illusory. On the other hand, it seems to be a fact that there are persons inspired with what we call moral earnestness, that they, in common with all normal persons, are compelled to live and move as though life were not an illusion, that they, in common with the moral sceptic, must presuppose that there is a difference between truth and falsity, and that they, owing to their moral earnestness, demand certainty as to what is right and wrong. To assert that such persons are wholly deluded is one thing, but to establish it would require the setting up of a frame of reference relative to which all other frames of reference would lose their plausibility; but it is precisely the possibility of doing this that the sceptic denies. Again, to make his position respectable, the sceptic must at least make a good case for the supposition that the minimum of moral conduct seemingly imperative to the maintenance of the lowest form of social life is purely arbitrary, and this would amount to proving that it is not incumbent upon human beings to be human (of course, no one can prove that it is, any more than any one can prove that the Pacific Coast ought to be; but the inability to prove such things does not seem to be significant). It is, after all, a fact that if men are to live humanly, certain regulations are absolutely necessary; and this seems to mean that man is a creature who has ideas about himself and about his position within the scheme of things and that, therefore, he must more or less consciously control his behavior in order to maintain his supposed status. To realize consciously at least some form of life appears to be an ultimate human necessity. History may conceivably have no meaning; on the other hand, in order to establish an ultimate scepticism,

one must at least give plausible reasons why intelligent human beings should refrain from supposing that it has.

Ultimately scepticism amounts to a denial of the right to distinguish between human life and the life of the brute. In our better moments we do in fact admire justice and love truth, and if justice and truth are illusions, so are our better moments. They may be, but there has not yet appeared a respectable demonstration to that effect. And until we get such a demonstration we must assume scepticism to be the refuge of the mentally and spiritually lazy, and a convenient resting place for those whose sole interest in moral theory consists in the satisfaction incident upon placing the burden of proof upon others. If one desires to be sure of not being defeated in an argument, scepticism is by all means the safest position. But, for such as have a positive interest in the true and the good, scepticism is quite impossible; for a necessary postulate of the possibility of significantly discussing things characteristically human is that truth and falsity, good and evil, are significantly distinct.

4.

With respect to the moral distinction between good and bad, there are in the main two views. According to the one, good and bad are distinctions intuitively recognized — just as, for example, the qualitative differences of visual experiences are intuitively recognized — and therefore not capable of reduction to other forms of experience. The other view is that the terms good and bad are reducible to other concepts such as, for example, desire, pleasure, fitness, adjustment to the environment, the preservation of the species, and so on. Those who take the intuitive or non-reductionist view must also regard such things as duty and obligation as unanalyzable, for if to call a thing good means anything at all it must at least

involve the idea of an obligation on our part to preserve its integrity. This has, of course, nothing to do with the question of whether what we call good is indeed good. All that concerns us here is that, if a deed is called good, we intuitively know that its negation is not purple or wet, but bad. All forms of naturalistic ethics assume the concepts good and bad to be reducible to ideas supposedly more primitive. Obviously, the only way to settle the question of whether the proposed reductions are really significant is by making an empirical test. If we discover that any proposed reduction yields something less than or altogether different from what we had before, it must, of course, be regarded as invalid. Thus, whenever we say that honesty is good, do we really mean that honesty is pleasurable; or, when we say that honesty is the best policy, do we mean that if it were not the best policy it would not be good? Apparently, therefore, we must distinguish between the evidence or sign of goodness and goodness itself; the fact that a certain act yields a surplusage of pleasure may be due to the presence of good, just as a particular wave-length may be a sign of the presence to some mind of a particular quality of visual sensation. When we say that it is good to die for one's friends and to live for one's country, do we mean in both cases that it is good because it is pleasurable?

In the chapters immediately following we shall be primarily concerned with an examination of the more significant proposed reductions of the idea of intrinsic goodness. Some of the possible reductions may be briefly indicated here. (1) A thing is intrinsically good if it is metaphysically real: The truth and usefulness of this conception depends entirely upon the truth of our conception of the ultimate nature of reality. Unfortunately, there are several plausible but incompatible theories concerning what it means to be metaphysically real. We shall deal with this more fully in Chapter III. (2) A thing is intrinsically good if it is approved, commanded, or

cultivated by a rational will: The main difficulty with a conception of this sort is that, if we take it literally and mean by a rational will a will that is rational only, we have the impossible task of explaining how it could possibly have moral preferences; and, if we mean by a rational will a will that is both rational and moral, we seem to assert nothing more significant than that a thing is intrinsically good if it is willed by a will that is intrinsically good. In Chapter IV we shall be particularly concerned with this attempt to reduce morality to pure reason. (3) A thing is good if one experiences it as pleasurable: This cannot be regarded as a significant account of the facts of the moral life. In the first place, inasmuch as not all pleasures are of the same quality and may signify values entirely incompatible, the mere fact of experiencing a thing as pleasurable has in itself no moral significance; and, in the second place, some experiences — e. g., remorse — may be intrinsically good and universally unpleasant. We shall examine this theory more fully in Chapter II. (4) A thing is intrinsically good if some one approves of it: This conception of goodness is a denial of the objectivity of moral values. As we have seen, although it cannot be formally refuted, its plausibility is materially weakened by the fact that it seems to ignore some of the indubitable facts of the moral life. We shall deal with this doctrine only incidentally in connection with the material of Chapters II and IV. (5) A thing is intrinsically good if it leads to a more vigorous natural existence: This theory represents an attempt to base morals upon the "facts of nature." We shall examine it in some detail in Chapter V. Finally, (6) a thing is intrinsically good if it has value, and it has value if it happens to be the object of any interest: This conception implies the relativity of moral values. It seems, however, to go counter to the facts. Some things regarded as intrinsically good — for example, devotion to a cause — are not always objects of any interest, and, on the

other hand, some things sought after almost universally, such as financial power, fame, and popularity, are not always intrinsically good. We shall subsequently deal with this conception only incidentally in connection with the material of Chapter II.¹⁾

Chapters VI to X are concerned with particular problems such as the problem of freedom, the problem of rights, the problem of economic justice, and so on. The approach is usually dialectical rather than historical. It is assumed that to know why this or that theory is one-sided or trivial or downright false is in philosophy quite as important as to know why a theory more nearly true is regarded as true. In fact, it seems doubtful that we can fully understand the right view without knowing why the wrong view is wrong. This may not, as Professor Carritt observes, be the case in science, "but in philosophy the individual reproduces the errors of the race, and he who has not strayed with the heretics is here but unstably orthodox upon hearsay." Wherever possible, doctrines will be stated and examined in abstraction from their historical setting, and the reference to movements and personalities will be wholly incidental. For example, the notion of self-realization (Chapter III), historically associated with Aristotle and the Idealists, will be discussed with a view to showing that the notion of perfection of functions, or well-being, is too broad to permit of significant application. Reference to Aristotle and others, therefore, will be merely by way of illustration.

The thesis of this work, if indeed it may be said to have one, is that positive doctrine in ethics is unavoidably dogmatic.

¹⁾ For a more complete account of the various attempts to reduce intrinsic goodness to something else see Felix S. Cohen's interesting work, *Ethical Systems and Legal Ideals*. (Falcon Press, Inc., 1933.)

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CHAPTER II

THE HAPPINESS THEORY OF MORALS

1.

PSYCHOLOGICAL HEDONISM

A SIMPLE statement of the fundamentals of the pleasure theory of morals is this. It is always right to do whatever I think will lead to my greatest happiness. Beyond this morality does not go. If I happen to choose to do the wrong thing, I am, of course, mistaken and you may question my wisdom; you may not question my integrity. Morality in fact consists in making wise calculations, and whether a calculation is wise or unwise will depend upon your point of view or mine. Historically the pleasure theory of morals has appeared in several forms, the crudest of which is called *psychological hedonism*. Psychological hedonism is simply a theory to the effect that whatever we may do, our fundamental motive is always a desire for pleasure. There is nothing new about this theory. It goes back to the Greeks, and the name usually associated with it is that of the sage, Aristippus. Another form of pleasure theory teaches that, although we may not in fact always seek pleasure, it can be shown that we *ought* to. This position is called *ethical hedonism*. It really has nothing in common with psychological hedonism except the accidental fact that it was first discovered by the Greeks. The name usually associated with this brand of pleasure theory is that of Epicurus. Finally, there is a third form of the pleasure theory of morals, which

teaches that, inasmuch as pleasure is the only good and pain the only evil, we ought to see to it that the majority of people enjoy a certain minimum of bodily and mental comfort. This theory is referred to as Utilitarianism, and a prominent name in this connection is that of John Stuart Mill. Of course, whether the second and third formulations of the pleasure principle are really forms of hedonism, will depend upon our definition of terms. If by hedonism we mean any theory of morals which regards happiness as an integral feature of the good life, then practically all moral theories are hedonistic. If by hedonism we mean the theory that all motives ultimately reduce to the desire for pleasure, so that the very fact of the desire cannot but be its own justification, then evidently the teachings of Epicurus and Mill are not hedonistic at all.

The pleasure theory of morals is not quite as vulgar as it may at first appear. It is doubtful whether any normal person could really believe that a morality which consistently brought unhappiness is a morality suitable for human beings. A morality of that sort might do for creatures entirely destitute of emotions and feelings and therefore living a quality of life foreign to ours; but, as a way of life for human beings, it would be altogether unintelligible. Human morality must be integral to human well-being, and human well-being without happiness seems like a contradiction. One of the most persistent beliefs we have is the belief that a good man deserves happiness. In fact, any theory of morals postulating anything less than the complete harmony of goodness and happiness has abandoned the attempt to account for human nature as we know it. All pleasure theories of morals are right in so far as they insist that happiness and the good life somehow belong together; they are wrong in so far as they assume that this general and rather vague truth is the solution of the moral problem.

Psychological hedonism is a superficial doctrine and therefore sounds very plausible. The real motive invariably underlying all our acts is the desire for pleasure. For us, therefore, pleasure must be the chief good — at least, we always act as if it were. We always do that which we most desire to do, and we most desire to do whatever we think will give us the greatest pleasure. Now one pleasure is greater than another simply because there is more of it. It is, of course, a fact of common observation that some men seek pleasure all the time and that all men seek it some of the time. But the real truth is deeper than that. The real truth is that ultimately all men seek pleasure all the time and that, indeed, they cannot possibly do otherwise.

Let us briefly consider the fundamentals of this ancient doctrine. They are (1) that men always do whatever they most desire to do; (2) that they are always motivated by a desire for pleasure; and (3) that kinds of pleasure are distinguishable by their quantity.

(1) We might begin with a definition of desire, defining it as an urge. Unfortunately, such a definition would be purely nominal and we should have to explain just what we meant by the word urge. A desire is simply a matter of immediate experience, and we either have the experience or we do not. We know that we have a desire in about the same way that we know we have nausea, and a psychological account of what happens to our nerves and glands when we have a desire, although important for psychology, would be of no use here. Again, we know that one desire is stronger than another simply because we feel it to be stronger. And there is nothing more to be said — at least it would be unprofitable to try to say more.

Is it true that human nature, whether acting from ethical motives so-called or otherwise, tends always to act in accordance with the strongest desire? Whether we answer Yes or

No will obviously depend upon how broadly or narrowly we interpret the word desire. If we examine the literature on this controversy, we discover that those who believe action to be independent of desire usually mean by desire something in the nature of an immediate satisfaction. Thus a man pays his debt despite the fact that he "desires" to use the money for the purchase of tobacco or a new necktie. On the other hand, those who believe that a man inevitably does whatever he most desires to do usually make desire synonymous with performance — the very fact that a man performed a certain act proves that it was what he most desired to do. And so, whenever a person performs a distasteful duty, his strongest desire is the desire to do something which most of us should not ordinarily expect to be desired.

Of course, if we desire to do whatever we do, the doing will be proof of the desire. But this is a dogmatic statement based upon a confusion. The following argument will serve as an illustration of the confusion of two meanings of the word desire. The argument is designed to demonstrate that, unless choice is independent of desire, there is really no moral conduct; and it is this: Suppose we were of the opinion that we ought to do whatever is right just because it is right. Before we could actually do it, we should have to acquire the desire to do it; in other words, we should have to interpose a desire between the opinion and the act. But, unfortunately, before we could possibly interpose such a desire we should first have to acquire another desire, namely, the desire to interpose it. Now, inasmuch as the latter desire would depend upon the previous make-up of our characters, we would in fact be pre-determined to do it. We should, therefore, have no choice in the matter; and, having no choice, we should be subject to neither praise nor blame. Our action, in other words, could not be called moral.

Aside from the fact that this reasoning is wholly abstract,¹⁾ it may be observed that in the course of the argument the meaning of the word desire has changed considerably. The desire which is to be interposed between the original opinion and the act is evidently a desire on a level with, say, the desire to smoke, or to have something to eat. But when we come to the desire to interpose this desire we have, to use the language of the logicians, something like a desire of the second order. Thus the desire to help a poor man is not quite on the same level with the "desire" to desire to help a poor man. The latter seems more on a level with the moral *ought*.

It seems evident that we frequently do many things which at the time of our doing them we should rather not do; and we require no dialectics to prove it. Those who hold that we always do whatever we most desire to do are right only if they mean by desire something that the word does not usually mean. For example, suppose that we were invited to a dinner-and-bridge, and that, having had experience of such functions, we should very much prefer to remain quietly at home with an interesting book. Suppose also that the host, by reason of position and social prestige, happened to be the sort of person whom it would not be wise to ignore. Upon deliberation we should very likely decide to accept the invitation. And if we did, we should evidently be doing something which we really did not want to do; we certainly could not be said to be following the dictates of our greatest present desire.

The apostles of the strongest-desire theory have an explanation. Why, they will ask, do you go to this party if you really do not want to go? Evidently because you realize that you cannot afford not to go: your refusal would antagonize the host whose good will you need; you probably have political or

¹⁾ The same argument can be applied to such concepts as will, motive, choice, etc., with identical results.

social or other ambitions. In other words, you have plans, and your rejection of the invitation might seriously interfere with their realization. Now does this not really mean that you desire the realization of your plans, and therefore the good will of the host, and therefore the party, more than you desire to remain at home with a good book? And suppose you disregarded the invitation or sent your regrets, would not your knowledge of your host's reaction spoil your evening at home? Now if your failure to accept an invitation has the power to spoil your evening at home, evidently the invitation is a weightier matter than the reading of your book. In short, you accept the invitation because you desire the good graces of the host — and therefore the party — more than you desire to be at home.

Obviously, this argument is entirely a matter of just what we mean by the word desire. We may desire the good will of the host more than we desire the reading of an interesting book, but to desire a man's good will is not the same as to desire his party. There is, of course, some truth in the assertion that we attend the party because no matter how bored and distracted we may be, we shall have a more enjoyable time — or at least a less uncomfortable time — than we should have had at home. But it would be meaningless to say that we attended the party because we thought that the party would afford more of the same sort of satisfaction that we should have had in the course of an evening at home with an interesting book. In other words, our choice is no longer between two immediate desires but between two unfortunate situations which have been substituted for the original desires. No doubt, if we elect to accept the invitation we do so because under the circumstances this appears to be to our greatest advantage; we do so, therefore, because motives other than the immediate desire to read a book condition our behavior. But these other motives do not make us like the prospect of being at home any less, nor the prospect of being at the party

any more. And, if it were merely a matter of choosing between the party and the book, we should doubtless choose the book. In terms of immediate satisfaction and immediate desire, we evidently do not most desire to attend the party. Ambition and ordinary prudence overrule present desire, not because they offer more of the same sort of thing we now desire, but because they represent the deeper and more persistent traits of our characters. The party is simply a means to an end, and that end we value more than any momentary desire. The party, in other words, has become a kind of necessary evil. But to submit to a necessary evil is not quite the same as to follow a desire. To this the hedonist might answer that we attended the party because we desired more to submit to a necessary evil than to remain at home with an interesting book. Such an answer, however, would involve the use of double meanings. For it is plain that the desire, which finally against our more immediate desire causes us to submit to the boredom of the party, is something altogether incommensurable with the desire to be at home with a book.

If by desire we mean the sort of thing that is meant whenever we speak of a person as desiring a smoke or a comfortable chair, then obviously many of our choices overrule desire and to that extent appear to be independent of it. But if, on the other hand, desire is to include the sort of thing that is meant when we speak of a person desiring an education, or social prestige, or political power, or the peace of God, then clearly we do nothing we do not desire to do. But that seems merely another way of saying that all deliberate action is motivated and that no choice is really a choice unless it expresses more or less of the whole of a man's personality. The truth seems to be that we daily act in accordance with a great variety of motives and that the desire for some immediate satisfaction is but one motive among many others. And it is demonstrably false that our strongest motive is necessarily a desire for what-

ever appears to offer the greatest quantity of immediate satisfaction. On the other hand, whenever we decide which of two incommensurable values is the more worth while, it is evident that the decision never can be a mere matter of intellection. No choice is made without the aid of imagination and feeling. And the theory that we can overrule an immediate desire by the power of intellection is probably false. Nevertheless, whenever we choose between the gratification of an immediate desire and the realization of an ambition, we do not choose between more or less of the same kind of satisfaction, but between two entirely different levels of life, each of which has its own peculiar quality of satisfaction.

(2) This brings us to the second proposition of primitive hedonism. We are said to be motivated in all our actions by a desire for pleasure, or at least by a desire to escape pain. All of us necessarily seek pleasure all the time.

The fundamental objection to this peculiar doctrine is very simple, and may be stated at once. If men necessarily act from but one motive, namely, desire for pleasure, moral distinctions become unintelligible. For, if we cannot but pursue what we take to be our greatest pleasure, then all motives are equally good or equally bad. In that case, differences in motives reduce to differences in calculation; and the expression that we *ought* to do this or that can have no meaning. If we *can* do but one thing, there will be no sense in saying that we *ought* to do it. Consequently, we can neither praise a man for being good nor blame him for being bad; we can only admire or envy a man for being wise, and pity him for being a fool.

However, the question before us just now is this: Human nature being what it is, can we in fact seek pleasure as such? Would it be possible to satisfy the desire for pleasure if we had no other motive than the desire for pleasure? Could we ever hope to satisfy even the desire for pleasure if we had not the desire for specific things such as food and honor? It must

be conceded that this is possible — but only in abnormal cases. If men are listless and satiated, they will usually look about for something to amuse them, and anything that happens to be exciting will do. Being interested in nothing in particular, they will welcome any thrill or diversion that offers some promise of relief from boredom. Those who are mentally sick seek a stimulant; and it would probably not be false to say that they are actually in search of pleasure as such. However, it is clear that they seek pleasure just as a sick man seeks relief. A man conscious of his debility and weariness will doubtless consent to anything that promises relief from a state of body and mind obviously distasteful; he will reason that any pleasurable state is at least an improvement upon a painful one. The nature of the cure will be a matter of indifference; he may take a drug, or a drink, or he may artificially stimulate an appetite in order to experience its satisfaction. But to generalize from abnormal cases to every case of moral choice is hardly scientific. No one not defending a theory would care to assert that the man who decides to do his duty is really seeking relief from an intolerable state of mind. Of course, by not doing what he knew to be his duty a man might forfeit his peace of mind, but it need not be the anticipation of this result that determines his choice. Granted, however, that his act were motivated by the desire to avoid the probable consequences of not doing his duty, it would nevertheless be an act quite different from one motivated solely by the search for relief. Psychological hedonism has undoubtedly contributed to abnormal psychology, but the psychology of the abnormal is not the same as the theory of morals. To describe what men do when they are sick is not to discover what they ought to do when they are normal. As a matter of fact, normal persons do not under normal conditions seek pleasure as an end in itself.

What about people who engage in certain activities as ends in themselves, people such as writers and artists and philosophers, who at their best do things merely for the sake of doing them? May we not say that they do these things because of the pleasure they derive from doing them and that, consequently, they seek pleasure for its own sake? To this some critics of hedonism reply that people who do things because they like to do them are not seeking pleasure but an object or activity which they believe will *occasion* pleasure. This is, however, admitting too much. For example, we do not decide to eat because, having made up our minds that we want pleasure, eating just now seems to offer the surest way of getting it. What we want is food, which, although the occasion for a certain kind of satisfaction, is not itself the satisfaction. Now, if we wished to express this fact in terms of the pleasure theory, we might say that, being hungry, we are at present in a state of mind and body such that, if we desired pleasure, we should certainly employ eating as a means; but it is at least doubtful that hungry men, however sophisticated, would be at all likely to reason in this way (leaving out for the time being whatever tricks might be played upon them by the "unconscious"). If a man desires to take a drive into the country, what he probably *wants* is the drive and the country air and the country scene. He does not first decide that he wants pleasure and thereupon make a calculation to the effect that a drive into the country will under the present circumstances give him the most for his money. Doubtless, if a man is hungry, the idea of eating will be associated with the anticipation of a pleasant state of consciousness. But it does not quite make sense to reverse this process and maintain that a man must want a certain kind of pleasure before he will be ready to eat. The assertion, that the idea of a specific quality of pleasure causes us to anticipate a certain organic state which we call hunger, is certainly unintelligible. And if this is the

hedonistic account of an ordinary animal drive, there is no reason to believe that the hedonistic account of morality will be any less problematical. To return to those people who do things simply because they like to do them: All we need remember is that we could not possibly have the pleasure that results from satisfying hunger, if we did not first want food; nor the pleasure of recreation, if we did not first want to walk or to fish; nor the pleasure of aesthetic satisfaction, if we did not first want to hear music or see paintings; nor the pleasure of the mystical experience, if we did not first want to see God. All of which indicates that unless we had desires other than the desire for pleasure, there would be no such thing as pleasure.

There are those who hold that psychological hedonism is not committed to the idea that human action is invariably determined by a calculation of immediate satisfactions; and that the pleasure motive should be interpreted as including the calculation of satisfactions *in the long run*. Does a man sacrifice his life in the performance of duty because he is seeking pleasure? Does the martyr submit to mutilation and death because he desires pleasurable experiences? We may answer that he does, provided we do not interpret the word pleasure too narrowly. Why does a man prefer death to the betrayal of a trust? Because the consciousness of a trust betrayed is more painful than death. To live one's life under the stigma of cowardice would be unbearable; it would be far more pleasant to die in the consciousness of duty performed.

If this long-run psychological hedonism is not a contradiction in terms, at least it removes all significance from the word pleasure. We are virtually told that men act from a variety of motives, but that we may conveniently subsume them all under the term pleasure, which is to stand for the sum total of all possible motives. Now if duty, pain, loss, sorrow, hunger, fear, mutilation, and so on are to be regarded as so

many ingredients of pleasure, pleasure has clearly become a word which, because it seems to mean everything, actually means nothing. If in the attempt to save psychological hedonism, we discard the notion of pleasure in the sense of immediate satisfaction as the only possible motive for action, we at once face a problem. Having made a distinction between long run and short run satisfactions, we seem to have introduced the notion of kinds or levels of pleasure seeking; and the question naturally arises, Which level of pleasure seeking will afford the greatest ultimate satisfaction? But evidently we are not in a position to answer this question until we have first reached some conclusions respecting the meaning of human life. Sooner or later, therefore, we should find ourselves preaching doctrines to the effect that, human nature being what it is, men *ought* to strive for such and such satisfactions as being the most worth while. And this would obviously entail certain suggestions as to the kinds of satisfaction men had better forget if they wish to obtain the greatest possible satisfaction. But, aside from the fact that there are about as many theories as to what constitutes man's greatest satisfaction as there are people who philosophize about the meaning of life, it is evident that we have now gotten far beyond the pale of psychological hedonism.

(3) Is one pleasure different or greater or better than another because there is more of it? We have already touched upon this in connection with the question of the supremacy of desire, and we may conclude the discussion here. According to Aristippus, the only good in life is pleasure, and the aim of life is to secure the highest pleasure. And the highest pleasure is the most intense. Does this mean that bodily pleasures are higher than, say, the cultural? Formally, that would be an open question, to be decided by experience. However, the doctrine ignores entirely the fact that pleasure is something

almost wholly relative and "under the law of contrast."¹) In the vast majority of cases, whether a particular experience be pleasant or unpleasant will depend upon the affective tones of other experiences. Cold water on a cold morning will be pleasantly warm if we have had to use colder water, and unpleasantly cold if we have had the source of warmer water cut off. No one can talk sensibly about the pleasure of eating who does not know what it is to be hungry. Those who spend their days in the pursuit of sport can hardly know the pleasures of recreation, since recreation is only for those who have other things to do. The experience of meeting a fellow townsman when one feels homesick and strange in a distant city is invariably pleasurable; but the same experience upon the streets of one's native city may be a matter of indifference. The sunshine on the hills and the wandering clouds and freedom seem particularly good to a man about to lose them. Pleasure is not something we can talk about in the same way in which a chemist talks about temperature.²)

However, suppose we could classify pleasures according to intensity, would that have any relevance to what we call moral choice? This question may be answered briefly by means of an example. Suppose that we were asked to discuss a certain issue concerning which we happened to have rather definite prejudices. We should probably be somewhat predisposed to "rationalize" these prejudices, and this would afford a certain degree of pleasure. Suppose, however, that we decided to follow wherever the argument might lead, could it truthfully be said that we had been determined in our choice by a calcu-

¹) In this connection, see Hartmann, N., *Ethics*, Vol. 1, pp. 130 ff. (Stanton Coit Translation).

²) What the chemist means by temperature may possibly be relative too, but at least not relative in the sense in which pleasure is relative, i. e., "under the law of contrast." We can talk meaningfully about a temperature at which molecular motion supposedly ceases; and relative to that particular point of temperature we can talk in terms of number and quantity without, at least, becoming lost in metaphor.

lation to the effect that we stood to obtain more of the same kind of satisfaction that we should have experienced as a result of freely indulging our prejudices? The fact seems to be that relative to these alternatives our choice would be, not between more or less of a given satisfaction, but between two totally different qualities of experience.

2.

ETHICAL HEDONISM

Ethical hedonism so-called is distinguished from psychological hedonism by the doctrine that, inasmuch as pleasure is the supreme end of human life, we *ought* to seek it. Now this simple statement is a complete denial of psychological hedonism. To say that we *ought* to seek happiness is to imply that we *can* seek something else. And, if we can seek something else, then it is false that we cannot but seek pleasure.

If we ought to seek pleasure as the supreme end in life, what sort of pleasure ought we to seek? Suppose the answer be, Any kind of pleasure.¹⁾ Obviously this would at once dismiss the possibility of making any moral distinctions whatever. If we ought to seek anything that will please it becomes our privilege to employ whatever means appear to yield whatever will please. And we thereby place the sensualist and the thief on a level with the scholar and the saint. Of course we might hold with Rousseau and a number of sentimental people of our own day that inasmuch as human nature is essentially good and gradually getting better, most people will naturally,

¹⁾ Historically a doctrine such as this has, of course, never been proposed by any first or even second rate thinker. The reader may get the impression, therefore, that this is doing battle with men of straw. The only excuse for inserting this argument is the hope that it may prove of benefit to a few of the increasing number of youthful sophists afflicted with pseudo-sophistication and, consequently, assuming or pretending to assume a cynical attitude toward all moral questions.

given the right kind of environment, choose those pleasures which in the long run are most beneficial. But, aside from the fact that this introduces a test of the good life entirely foreign to the pleasure test, the statement that men are essentially good seems a bit romantic. If man is essentially good, he will probably not be profaned by evil; and, if he can be spoiled by a bad environment, he is probably not wholly good. And if man has made his own environment bad — you could hardly say that it is the work of nature —, that hardly proves that he must be essentially good. But, on the other hand, just what sort of enjoyment or happiness one is to regard as the proper measure of the good life, is a question that no amount of expert argument will ever settle. The pervert and the sensualist have their enjoyment, and, given a degree of prudence, may suffer no obvious bodily or mental derangements even in the long run. It would be rather useless to try to prove by means of theoretical considerations that the pervert has adopted the wrong sort of enjoyment as the criterion of the good life. If life on this particular level satisfies him and fulfils the range of his wants, there is clearly nothing to argue about. From the naturalistic and Greek points of view, whether any given type of life is natural or perverted, will depend upon the point of view of majorities. To the Athenian and the Roman, the Christian way of life must have appeared extremely unnatural.

The mere fact that what we are in the habit of calling a "higher" quality of life requires struggle and hardship, hardly proves that it is higher — unless we assume that our present state is somewhat abnormal and human nature more or less perverted. If, on the other hand, we believe that life as we know it is quite normal and simply a matter of development and gradual adjustment to our environment, then it will be quite impossible to determine, at least theoretically, just what is normal and what is perverted. In fact, the advocate of the

morality of least resistance might hold with considerable justification that, inasmuch as any other kind of life — the kind of life we call respectable and sober — entails struggle and discomfort and frequent failure, it appears to be something artificial. For whatever is right and natural ought to receive more cosmic co-operation than what is not; consequently, the natural and proper way of life ought to be the least difficult. Furthermore, any quality of life, high or low, appears to require education of a sort, so that whether in the last analysis a given taste with respect to norms is educated or perverted is itself a matter of taste. And to decide just what is human and what is not, would require a marvelously complete knowledge of the total possibilities of human nature. And this would imply rather exact knowledge of the ultimate character of man's environment. We can never be sure, for example, that the natural and social environments — of which we still know comparatively little — are not abstractions from something much more inclusive — the environment which is postulated, say, by religion. Anyway, we cannot without dogma assert that the man we call perverted is less human than the man we call cultured. It cannot be denied that the life of the cautious and refined taster of bodily pleasures yields a kind of satisfaction. Human nature is at least such that it can be educated to find more or less complete satisfaction in the pleasures of sense. And if this quality of satisfaction is made the criterion of the good life, the mere fact that other criteria are preferred by some people proves nothing either one way or the other.

At this point some will wish to remind us that the kind of happiness correlated with the wise and cautious exercise of the senses, is not the highest happiness. And their argument will be that a life consisting wholly of sense pleasures would preclude the proper development of our intellectual and æsthetic powers. It would render impossible the wonder and the charm of those achievements of the human spirit that

come under the name of culture. It would remove from life the full glory of love and affection. Life would be robbed of its grandeur; it would lack the dramatic and the heroic. Nothing would come of science, invention, literature, philosophy, statesmanship, and so on.

The answer to all this is: Doubtless the pleasures of sense do not constitute the only possible kind of happiness, but that is beside the point. The argument just now concerns the question of whether we can show on theoretical grounds that one criterion of the good life more adequately defines the true happiness of human nature than another. And the point made by the sensualist is that, whether we choose this particular criterion or that, or even a dozen others in conjunction as our final test of the good life, is all a matter of taste. And as for invention and science and state-craft and what not — these things might conceivably be regarded as so many evils made necessary by the fact that human beings have been sufficiently deluded to seek happiness where true happiness will never be found. Science and literature and philosophy are just so many vanities. All sooner or later lead to disappointment; we never come to the end of our search, and our curiosity will never be satisfied. What then could be more sensible than to discontinue our search and to cease being curious. Anyway, whether one thinks of science as vanity or as heroism is, once more, a matter of taste.

Here again we may be reminded of the fact that, in order to achieve the maximum benefit of the joys of sense, it might be advantageous to have such things as invention and medicine; and that, inasmuch as both seem to call for considerable intellectual exercise, the theory which makes bodily pleasures the criterion of the good life appears to be self-contradictory, or at least inadequate. To this observation the seeker after bodily satisfactions could answer that engineering and medicine are entirely incidental to the main drives of the good life. If

these things are more or less inevitable, that will merely signify that man's environment is still very imperfect and not yet ready to satisfy immediately the dominant demands of the good life; so that we shall have to be satisfied for the time being with an approximation. But merely to show that an ideal can at best be only approximated is not to refute it. In the last analysis, there is nothing to show that man's intellectual and other endowments can not possibly be considered as means to the end of sensuous enjoyment.

We cannot disprove the ethical hedonism of the sensualist any more than we can prove the immorality of lying and stealing. All we can show is that, if we ought to seek any kind of pleasure, then the distinctions between good and evil, between the worthy and the worthless, and between value and disvalue, at once become meaningless. And, if in answer to this the sensualist asserts that they are meaningless, there is nothing more to argue about. An indiscriminate hedonism is a possible theory of human life, but the judgment of history is against it. Was it Paulsen who said that absurdity and truth have the common advantage of being irrefutable?

Near kin to an indiscriminate ethical hedonism is that type of hedonism which asserts that we ought to seek those pleasures which are most intense. We need spend very little time discussing it, since it is just another one of those possible theories which, although unproductive and palpably absurd, cannot be disproved. If by the most intense pleasures are meant the pleasures of the sensualist, we can only point out that they have their price but that for the man who is willing to pay, they are obviously worth it. All we can say is that the vast majority of those who count in the history of civilization and who have made our culture what it is, would consider the transaction a very bad bargain. And, if by most intense satisfactions we do not mean bodily satisfactions, the expression becomes entirely speculative. The most intense pleasures

may not, after all, be bodily pleasures; and if they are not, then just what they are would be quite impossible to discover; in fact, any specific doctrine would be clearly a matter of taste, idiosyncrasy, and education. Furthermore, we should at once have on our hands the problem of levels of intensities, since the intensities on one level of experience might be — in fact, most certainly are — wholly irrelevant to those of another level. And to determine relative to the many possible levels just which would be the most intense absolutely, would be a hopeless undertaking.

The philosophy of Epicurus gives us a third answer to the question, What kind of happiness ought we to seek? Here the highest pleasure is no longer the most intense, but the most enduring. Instead of intensity we are told to look for extensivity; instead of pleasure, we hear the quieter word happiness; and instead of the pleasures of the body, we are offered the satisfactions of the spirit — beauty, temperance, serenity, superiority to fate, friendship, wisdom, and so on. In Epicureanism we behold a kind of Copernican revolution. The entire range of emotional satisfactions are decidedly in the background. Happiness is to be reached not by seeking pleasure, but by being indifferent to it. Pleasure is no longer the standard of the good; rather certain goods or values are the standard of pleasure. This implies that we *ought* to make distinctions between pleasures, cultivating some and avoiding others. Pleasures derived from the cultivation of beauty, from the exercise of wisdom, and from the cultivation of friendships are the only ones worth while, because, presumably, they are more lasting and occasion no corresponding regrets. And the final Epicurean formula is this: Happiness is the test of the virtuous life, if by happiness we mean that quality of pleasurable feeling which is obtained by contemplating beauty, by communing with friends, and by loving wisdom.

Obviously an entirely new range of values has been introduced. And these values are primary, whereas the correlated pleasures are distinctly secondary. Value is no longer defined in terms of happiness; rather happiness is defined in terms of certain definite cultural values.

There is a theory of morals which, although not usually discussed in connection with hedonism, may nevertheless be regarded as an attempt to answer the question as to what kind of happiness we ought to seek. According to this theory, we ought to seek that quality of happiness which will result from the harmonious adjustment and exercise of all our faculties. This is called self-realization, or well-being, or eudæmonism.¹⁾ This theory, like Epicureanism, is not strictly a form of hedonism except in the general and wholly non-significant sense in which every theory of morals is hedonistic.²⁾

Unfortunately, to say that we should realize ourselves and that all our faculties should be exercised and harmoniously adjusted is not to say anything significant. For the important question is this: Upon what fundamental principle of the meaning of life are we to base the harmonious exercise of our faculties? Unless we first decide just how our faculties ought to be harmonized, there is really nothing to distinguish the philosophy of self-realization from any other ethical theory. It is clear that the sensualist and the puritan may with equal justification assert that their fundamental principles of life duly place every faculty and its exercise in the proper place. As we have seen, the claim of the sensualist that every other faculty is a means to the end of sensual enjoyment, is a claim that it would be quite impossible to refute. And sensualism certainly offers an unambiguous organization of the faculties,

1) See Chapter III.

2) Of course, whether a theory is hedonistic or not is always a matter of terms. As a matter of convenience the author classifies as hedonistic only such theories as repudiate the distinction between higher and lower values—theories, therefore, which either expressly or by implication deprive the word *ought* of all moral significance.

and in so doing defines a pretty definite kind of self-realization.

Now all this leads to the question, What does the happiness test really test? There are many kinds of human happiness, just as there are many levels of human life. In a materialistic society such as ours, happiness is a matter of material success and material comforts. In the world of the Roman, happiness was largely a matter of honor and power achieved by military and political success. The devotee of the arts or the sciences finds happiness in achievement accompanied by recognition. In the world at large, certain ambitions and careers are fostered because they obviously have certain compensations. If the naturalistic or humanistic picture of the universe is the correct one, the most enduring and most worth while happiness would most likely be that cultivated by the Greeks, that is, happiness through the perfection of the bodily graces, through material comforts, and through a cautious indulgence of the bodily appetites. Temperance represents the highest moral flight of the Greeks, which is precisely what we should expect from a completely earth-satisfied civilization.

If human life is confined to the life of earth, there can be no doubt that the formula for the highest and most perfect happiness is the life of an "enlightened hedonism." But if, as some believe, our universe is fundamentally a moral universe, a universe in which the difference between right and wrong is more fundamental than any other difference and just as objective as the difference between the self and the solar system, then, of course, we should hardly go to an enlightened hedonism for the secret to the greatest possible happiness. For, if our world is fundamentally a spiritual and a moral order, complete human happiness will at least include moral perfection; and all other sorts of happiness will have to be regarded either as approximations or as downright perversions of the moral life. This is what Kant had in mind, and because he realized that we cannot deduce from the facts of the physical

world the reality of a moral order, he postulated the primacy of the practical reason and, consequently, the primacy of the moral world-order as necessary principles to explain and do justice to what he conceived to be the core of human nature.

If we take the happiness test at all seriously, we almost at once find ourselves dodging all sorts of complications. And happiness as a final test is sooner or later relegated to the background. In a well ordered society, for example, theft will lead to unpleasant consequences for the thief. But no one will say that the theft is wrong on that account. Then why is it wrong? Because such conduct is inconvenient, if we want to maintain a certain kind of social order which we regard as necessary to what we consider our well-being. It is wrong, in other words, because its persistence tends to destroy a culture which we identify with our happiness. On the other hand, the mere fact that we have identified a certain culture with our well-being and therefore demand its maintenance, does not prove that this culture is the last word in human well-being. Things forbidden (for example, the teaching of the Christian religion in our public schools) in the name of one culture, may be integral to another culture and, therefore, another sort of human well-being. In the recent past, many things have been forbidden in the name of social well-being and happiness which today are either actively encouraged, such as labor unionism and mass education, or reluctantly permitted, such as parochial and sectarian schools. All of which indicates that, if happiness is to be our test of the good life, we shall first have to make up our minds as to what constitutes the good life before we can know just what sort of happiness we are to use as our test. In other words, the fact that there are alternative sorts of happiness renders the happiness test non-significant.

The happiness test, like any other easy test, will get us nowhere in the theory of morals. Obviously, if a given mode of

life invariably brings a definite sort of happiness, then if one desires that sort of happiness one will do well to cultivate that particular mode of life. On the other hand, in order to know the particular quality of happiness in question, one must first have cultivated the given mode of life. To know whether we really want the particular quality of happiness correlated with academic or financial success, we must first have been successful. And, if thereupon we discover an infallible formula for becoming successful we shall, of course, be in a position to guarantee such and such a quality of happiness. But this infallible formula will be the secret of the good life only if we dogmatically declare that the particular kind of satisfaction it is supposed to guarantee is the most satisfying possible for human beings. But all this does not seem to be very significant. All we can conclude from the facts is that, if we desire a certain species of happiness, we must follow a certain prescription. If the prescription invariably brings about the selected happiness, we may say that we have discovered the means for the acquisition of that particular kind of happiness. But this will tell us nothing about the relative worth of other satisfactions of which we happen to be ignorant. The mere fact that we know how to achieve one kind of satisfaction does not demonstrate that it is the sort of satisfaction that a moral and rational creature ought to seek.

Happiness of some sort must be a feature of the good life; and any theory of morals which ignores it can not long be taken seriously. But just which of the possible qualities of happiness is the sign and seal of the good life is a question that can not be answered on theoretical grounds. Here, in the last analysis, the proof of the pudding is the eating. The joys of the religious mystic prove that the mystical way of life yields

a kind of happiness — a kind of satisfaction quite beyond the apprehension of more profane minds. And the man of the world will probably regard such happiness with mild contempt. On the other hand, the mystic will be inclined to look with pity upon the empty and momentary satisfactions of the man of the world. In other words, happiness as the final test of the good life is impossible simply because happiness appears to be something infinite in measure and variety. And here we come once more to an old story. To say that happiness is the test of the good life is quite without meaning unless we specify some particular quality of happiness. Now unfortunately we are able to specify only by giving instructions as to how that particular form of happiness is to be achieved, so that our formula would have to be this: The test of the good life is the sort of happiness one will obtain if one thinks and does and believes thus and so. But this means that our criterion of the good life has somehow become identified with the good life itself.

This, by the way, is the customary objection to the hedonism of John Stuart Mill. According to Mill, the standard happiness is a happiness of a peculiar quality — it is better to be a dissatisfied philosopher than a satisfied pig. The usual comment on the part of non-hedonists is that, by distinguishing kinds of satisfaction and thereby introducing qualitative differences, Mill ceased to be a hedonist. We no longer choose a satisfaction because it satisfies, but because it signifies a higher quality of existence. The philosopher is not happier than the pig, but more important — at least, from the philosopher's point of view. And the philosopher's point of view must be taken as the standard, because, from the human point of view, the philosopher's point of view is easier to understand than

the pig's point of view. This is one application of the law of parsimony.

It is just barely conceivable that the greater the virtue, the more intense the happiness. One might reason, for example, that beginning with the primitive forms of pleasure and assuming that the presence of any kind of satisfaction whatever is indicative of the presence of some kind of virtue, whenever we find an increase in the one we may suppose a corresponding increase in the other. This is a logical possibility, but it collides with the facts. In the first place, it does not account for the fact that the more primitive forms of satisfaction are manifestly incompatible with the more advanced forms of satisfaction — those forms which we call higher. Thus the satisfaction of being happily intoxicated would in the long run tend to make somewhat difficult the satisfactions correlated with the acquisition of scientific, artistic, and character values. And, in the second place, assuming that an increase in the intensity of satisfactions can be measured (which, in fact, it cannot), the various measures would tell us nothing about virtue if we did not dogmatically assert that added intensity shall signify added virtue. Sooner or later, however, we should come to the old predicament, namely, the question of kinds of happiness, the relative intensities of which would be absolutely incommensurable. In the last analysis, happiness in general means nothing more than agreeable feeling, and it ought to be plain to any civilized person that agreeable feelings have by no means the same ethical significance. The martyr for the advancement of science enjoys agreeable feelings; so does the sadist. But we cannot very well measure the two in order to decide which is better.

3.

UTILITARIANISM

Utilitarianism is an ethical doctrine which emphasizes social welfare as the final test of the good life. It may conveniently be summarized as follows: All men seek first of all their own individual happiness. Happiness, therefore, must be regarded as the supreme human value. Consequently, good acts must be defined as those that produce consequences that lead to happiness. These consequences can be measured. Furthermore, inasmuch as the happiness of one individual has no greater intrinsic worth than that of another, all men are to be treated equally. Therefore, that society is the best which insures the "greatest happiness of the greatest number." The final test of the morality of an act is its conduciveness to the happiness of the many. Finally, some forms of happiness are higher than others; and the highest or greatest happiness is that which involves our higher faculties and satisfies our "sense of dignity."

The Utilitarians were social and political reformers who sought a quasi-philosophical basis for their practical interests and thought they had discovered one in the ancient pleasure and pain morality. In fact, Jeremy Bentham saved himself from being merely another psychological hedonist only by a fortunate inconsistency in theory. According to Bentham, man's behavior can be reduced to the workings of two complementary tendencies, namely, the desire to have pleasure and the desire to escape pain. Accordingly, the virtuous man is he who can calculate successfully and thus make himself happy. The best man, therefore, must be the happiest, and the happiest, the best. And the science of ethics ought to be simply a calculus of pleasure. Since every man is by nature such that he desires to be happy, all men have an equal and a natural claim to happiness. The happiness of one — even that

of myself — therefore, should never take precedence over that of another, and certainly not over the combined states of happiness of a number of others. In the final analysis, therefore, the criterion of good action is not the pleasure of the one, but the general happiness of the many.

The first question we have to consider is this: Can we infer from the fact that, inasmuch as all men naturally seek their own happiness, they ought therefore to seek the happiness of the group? And we need not argue this point at length. Does it follow that, because I desire to amount to something in this world, I ought on that account see to it first of all that everybody else will amount to something? It may be that I ought to be concerned about the welfare of others, but that could hardly be deduced from the fact that I, like everybody else, am naturally concerned with myself. It may be that I ought to sacrifice my own welfare for the sake of the happiness of the group, but certainly not because it happens to be a fact that I am first of all concerned about my own happiness.

Why should I work for the benefit of others, even at the cost of my own happiness? Because, the Utilitarian would answer, your individual happiness is less than the sum total of happy states that may be enjoyed by others. This would seem to imply that, if everyone sacrifices himself for everybody else, either nobody will be happy or a kind of "invisible hand" will guide human affairs in such a way that out of this welter of self-sacrificial endeavor one or more happy individuals will emerge, and they will be happy because they more than others deserve to be. However, from the point of view of the positivism of the Utilitarians, such a process would be purely accidental; and it could hardly be taken seriously as a theoretical account of how positively we can assure the happiness of all. It is not something about which we could calculate; consequently, it can have no place in a positivistic scheme of things; and about all that the Utilitarian can say is that, if everybody

sacrifices his own happiness, everybody will probably be unhappy. If seeking my own pleasure is the first law of human nature, it does not follow that my search after pleasure will as a matter of positive fact take the form of a search for the happiness of everybody else — unless it has first been shown that this would be the best and most certain way of getting happiness for myself. But that is another matter. The theory that this is in fact the case, is a sort of capitalistic theory of happiness: I am to make society happy in the expectation that some of the accumulated happiness will in the end trickle down to myself. Just as a government in the hands of traders is said to be concerned with the prosperity of banking and industry in order, presumably, that a portion of the returns will find its way to the common man. But this has still to be proved.

However, the point is rather this: If we are to base social reform and the happiness of the group upon the naturally selfish desires of the individual, it will be up to us to prove either that the selfishness of everybody will be conducive to the welfare of all, or that by being primarily concerned with the welfare of others we shall in fact be more intelligently selfish. Now the notion that man's self-interest is God's providence will hold, no matter what the social results; and experience has shown by this time that in any complex society men must make and enforce conditions and limitations upon self-seeking. And as for the other alternative, it may be quite true that all men desire their own happiness, and that there are better and worse ways of getting it; but it is surely not self-evident that the best way of getting it is by trying to get it for others. And if it were self-evident, that would not be because it could be seen to follow from the theory that men seek their own happiness.

Do consequences determine the morality of an act? The Utilitarians, with the barely possible exception of J. S. Mill,

take a positivistic stand here, and morality for them is always essentially a matter of calculating results. Now it is evident that absolute indifference to consequences is certainly not the mark of a serious moral attitude. Thus it might possibly be good mental hygiene to be in the habit of telling the truth always and telling it in full; but in situations where all the truth would do much harm and result in no apparent good, clearly to tell the truth and all the truth would not be moral but, at best, stupid. It may be quite legitimate under ordinary circumstances to demand payment of a debt, but we should probably judge the character of the creditor adversely if he insisted upon payment at a time when payment would ruin for life the chances of the debtor to become a self-supporting and self-respecting person. Contracts are binding and must be regarded as such, if civilization is to endure; but, although the declaration of an emergency by a government has obvious dangers and may become an open door to serious abuses and serious moral laxity, the consequences of enforcing each and every kind of contract may be such as to endanger the equilibrium of the state and its ability, therefore, to maintain the external conditions of the very possibility of an orderly society. Now, in cases of this sort, it is obviously the part of a serious morality to weigh the consequences of alternative evils. At the basis of all morality is a spirit of reverence for some scale of values, and any legalism or petty insistence upon rights and privileges which endangers the force of its sanctions is almost certain to become a source of evil. Rarely, therefore, can a man escape the obligation of counting the costs if his action is to pass as moral. Consequences enter into moral conduct, and although no man can foresee all the consequences of his act, he is responsible for those which he can foresee. More, he is responsible also for such consequences which in fact he did not foresee but which by the exercise of reasonable diligence and circumspection he could have foreseen.

On the other hand, moral conduct is not exhausted by a calculation of consequences. Sinners and publicans and politicians are frequently expert at calculating consequences, but we do not call their conduct moral on that account. Furthermore, consequences depend usually upon more than the mere disposition of a man's will or the nature of his purpose. And all this is so obvious that only a fanatic would hold that a happy man is happy in consequence of his virtues and that the unhappy man has only himself to blame. In the final analysis, whether my act is good or bad will usually depend upon my **motives and the quality of my conduct** (including some diligence in knowing probable consequences). At least we do not call a man wholly bad or immoral if he meant well but, due to a lack of circumspection, actually did rather badly. Even when, after considerable experience, he should continue to mean well and to do badly, although we might begin to suspect his sanity, we should hardly call him vicious. Now the Utilitarian might contend that, if a man means well and does badly, he *ought* to be called vicious. But that would simply be to manufacture our moral facts in the interests of a theory. The fact is that in no civilized society would a man be wholly condemned for a blundering performance. This is a moral fact, and our task is to explain such facts as we find, and not to *make* them for the sake of a preconceived theory.

The fact, that no matter how thorough our precautions we cannot possibly foresee all consequences and that very few of them are actually within our control, ought to be sufficient to condemn any theory of morals that would measure a man's goodness or badness wholly in terms of actual results. We may imagine an entire series of consequences resulting from some person's action, the vast majority of which could have no significant connection with the character and purpose of his performance. A judge sentences a man to be hanged for a capital offense. As a result, the condemned man's gangster

companions murder the chief witness for the prosecution, in consequence of which the latter's wife and children become objects of public charity. Is the character of the magistrate to be judged by the consequence of his action? The fact is that, relative to human foresight and its inevitable limitations, a considerable number of our deliberate actions have consequences which are purely contingent. Many of the causes that enter into some final result are often mutually irrelevant. Thus the magistrate may have been moved by consideration of public order, or he may have believed in the fundamental rightness of the recidivistic theory of punishment. Whatever the motive of his action, it was certainly incommensurable with the fact that certain individuals not at all connected with the trial have been reduced to helplessness and poverty.

The happiness test can apparently be made to justify contradictory actions. Which once more raises the question of whether the particular sort of consequences sponsored and preferred by the Utilitarians constitute an adequate measure of moral action. Let us suppose a witness for the prosecution in one of our gang infested cities: The authorities have not the power to protect him and his family, and the newspapers have already cried aloud his name and address for the information of every hoodlum in town. If he tells what he knows, the probability of his remaining alive very long will not be great. Meanwhile, he and his family will live through the horrors of a gang siege. These being the facts, he might reason as follows: "Suffering and death notwithstanding, it is my duty to do what I can to see the law vindicated and the conditions of civilization restored. I shall therefore sacrifice my immediate happiness and that of my family for the benefit of the whole. By so doing I shall reap the greater happiness that will come from the consciousness of giving my life for the salvation of the group. For, if in the future all witnesses for the prosecution follow my example, the country will soon

be rid of gangsters. I shall die, therefore, but in the resurrection of civilization and orderly civic life I shall have my immortality."

Now musings such as these might appeal to a few rare characters, but it is plain that happiness has now become somewhat complicated and "metaphysical." Furthermore, on the basis of consequences, our unfortunate witness might with a clear conscience argue somewhat like this: "I might tell the truth in the interest of justice and public order, but the costs to me and my family are too great. Moreover, inasmuch as the courts cannot protect me, is it really my duty to do something which in some obscure way is to yield an increment of social well-being? There is at least no certainty that my sacrifice will bear fruit. There are other consequences considerably more certain — my coffin, and my wife and children homeless and in want. And these seem to me to represent an accumulation of pain and sorrow which no subsequent social well-being can repay. Furthermore, the benefits to society of my pitiful sacrifice are remote and improbable, for a society so disrupted and disorderly as to force upon me this particular calculation will hardly be civilized enough to benefit from my performance of a fearful duty. And may it not be that my refusal to perform what many a stern but comparatively safe idealist will call my duty — may it not be that my refusal, on the grounds that the magistrates are without power to protect me — will shock society into taking account and deciding to clean house? And therefore it seems to me that, in refusing to testify, I am giving society a fair chance to make itself happy."

Here then we have two happiness calculations mutually incompatible but equally conclusive. There is no reason to believe that refusal on the part of the witness to testify will, even in the long run, yield less happiness to society than will his decision in the interests of order and justice to tell what

he knows. But it is quite certain that civilized men everywhere — although they might be inclined to be lenient with the witness — would most severely condemn any society, no matter how great the quantity of its happiness, so disorderly as to make a calculation of this sort possible. But could the consistent Utilitarian really condemn it? He might, of course, assert that such a society would not have much happiness, but that would be difficult to prove.

Of course, this matter of happiness calculation is all rather silly. As we noted in our discussion of hedonism, happiness is relative and frequently a matter of contrasts. The bored and completely protected clerk in the warehouse can have no conception of the happiness experienced by our unfortunate witness whose perjury has saved both himself and his family. And there may be more joy over the return of a lost son than there ever can be over the occasional visit of the elder brother who will never be tempted to forsake the path of rectitude. But all this would hardly warrant the conclusion that a society of lost sons and perjured witnesses would be a happy and most ideal community. In other words, if we consider only such consequences as come under the general head of happiness, their calculation may lead to decisions the necessity of which we should deplore, no matter what the increment of happiness.

Consequences, whether we call them happy or otherwise, determine the morality of an act only in part; the morality of an act is usually determined also by its antecedents. The honest man does not pay his bills because this will make his creditors happy. It seems fairly certain that if he gave the amount owed to the destitute instead, the sum total of happiness might be considerably greater. The honest man pays because someone is his creditor; his act, therefore, is determined in part by the manner in which someone has behaved toward him in the past. To this the Utilitarian will answer that one

ought to pay his bills because if no one paid bills and always gave the money to tramps, the accumulated pains of the creditors would be greater than the accumulated pleasures of the tramps. Furthermore, social and economic life as we today know it would be impossible. The answer is that, aside from the fact that such calculations would be impossible, if men were given to charity rather than to paying their bills this would probably result in the abolition of credit; but it is not proved that a creditless society would be particularly unhappy. All we could prove is that in that case the present economic structure would be impossible. But it must still be proved that the present order makes for the greatest possible happiness of the greatest number.

The question which embarrasses all forms of happiness ethics is squarely met by the Utilitarians. What kind of happiness is the test of the good life? They answer: It is the greatest happiness of the greatest number; in other words, it is that happiness which shall be ours when all men are treated equally, when all enjoy the just proportion of the fruits of their labor, when the law removes inequalities of opportunity, when it prevents one man from injuring another, when society appropriates the unearned increment, when private property in land is abolished, when votes shall be weighed as well as counted, and when the state shall enforce universal education.

We have here a program of social and political reform. But the interesting thing is that happiness has somehow been eased into the background, and, as in the case of Epicureanism, first place is awarded to an altogether new set of values, values apparently independent of the happiness test. The real test of the good life is no longer happiness, but a definite conception of the good life itself. The Utilitarians tell us that we can know that we are living the good life if we discover ourselves putting into practice certain social reforms.

We need not quarrel with Mill's ideals of social legislation. Note, however, that he could not possibly have formulated his program on the basis of a previous happiness calculation. He did not reason, "There is a certain quality of pleasurable feeling to which all men are equally entitled. How can it be justly distributed? By universal education, by removing inequalities of opportunity, by giving the unearned increment to society, by weighing votes, by enforcing a minimum wage, and by abolishing private property in land." But that is precisely how he should have reasoned if the good life is essentially that which has the power to produce pleasant consequences for the greatest number.

Whether Mill's program of reform is economically sound is a matter with which we are not here concerned. Certain features of it are clearly impracticable. How are votes to be weighed? Can men be treated equally? That wage earners ought to receive a just proportion of the fruits of their labor is a truism so non-committal that even the Pennsylvania mine owners would consent to it. The real question is, What is a just proportion? And this is not so easy to decide, since a hundred different points of view must be taken into account. Men have thought and fought about it since the dawn of civilization. Furthermore, should men be treated justly because it will make them happy or because it is just? Of course, justice may in the long run produce happiness and it may be that justice is called justice on that account. But that would seem to imply that there is no essential difference between justice and such things as goodness, humor, common sense, forbearance, and so on, all of which produce happiness. Now the fact seems to be that we know fairly well what we mean by justice before we know whether or not it will produce happiness.

Let us turn aside to examine the proposition that men are to be treated equally. Are they to be treated as equals abso-

lutely, or only for certain practical purposes? In the first place, it is obvious that to treat men equally cannot possibly mean to treat them alike. When we assert that all men are to be treated equally we shall not get very far if by that assertion we mean that if a man is neither criminal nor insane he shall be treated as others who are neither criminal nor insane, and that if he becomes criminal or insane he shall be treated as others equally unfortunate. For that in the end means nothing more than that to the extent that men are alike they ought to be treated alike. And that this is not exactly significant will be seen when we consider that in the case of any given crime, inasmuch as we can never know fully a man's heredity, education, past experiences, congenital weaknesses and consequently the degree of his temptation, we can never know fully the extent of his guilt. And so the idea of treating all men alike becomes merely a way of getting along the best we can. All we can say is that, for certain definite purposes, it is usually more convenient to treat all men as though they were alike. But it should not take very long to realize that this may be an open door to all kinds of injustice, to say nothing of unhappiness. Thus circumstantial evidence may be sufficient to convict a vagabond negro of chicken stealing, but would we consider it sufficient to convict, say, a professor of philosophy?

The practical significance of the statement that men should be treated equally is simply that no man who satisfies the minimum requirements of civilized conduct should be treated as though he does not. But that is about as significant as to say that any student who can manage to keep from failing in his studies should not be treated as though he had failed. Not having failed, there is, of course, a sense in which he may be said to be in a class with the honor student; but the equality subsisting between him and the honor student is not altogether significant. We should treat the insane quite as humanely as their more fortunate brethren, but that does not imply that

they should be entitled to the freedom of the streets or that we should prove our spirit of humaneness by occasionally making them our magistrates. That all men should be treated equally means that, in a civilized community, all men are permitted to have a claim to certain rights and advantages if they in turn are civilized enough to assume corresponding obligations. And a corollary to this is that no society can call itself civilized unless it is able to give civilized men a chance to remain civilized. It is not implied, however, that all men are and can be equally civilized. All men are treated alike by the law if they prove to be alike. But the more highly civilized a man, the more remote are the legal sanctions. Anyway, in modern civilized societies, the equality of all men is little more than an abstraction.

But even those rights to which all have an equal claim appear to have definite limitations. There are certain privileges which society guarantees to every one of its members, but the guarantee is always more or less theoretical. Thus in the United States all have the privilege of obtaining higher education, provided they can afford it; all have the right of appeal from a lower to a higher court, provided they can meet the cost; all have the privilege to sue if their opponent is not a pauper, and to be sued if the enemy cannot afford to take matters in his own hands (as he very often can in some of our cities); and all have the right to labor, provided they can find work.

Now, if for certain purposes it appears to be convenient to treat all men as though they were alike, might it not be that the more purposes we include under this convenience the better our society and the greater the social accumulation of happiness? This is extremely doubtful. Would it be wise to assume that all men are to be treated as though they were equal for purposes of education, irrespective of ability and means? We have experimented with this sort of thing, and

one of the outstanding results is the lowering of educational standards rather than the elevating of such minds as apparently cannot be elevated beyond a certain point. Would it be just to assume that all men are sufficiently alike in character and training to warrant the conclusion, for the sake of convenience, that all crimes and misdemeanors represent the same degree of wilfulness and deliberation? That was our practice during the eighteenth and the greater part of the nineteenth century, and the results were not particularly happy. In fact, we are even today just barely beginning to get away from that convenient assumption. Would it be wise to assume for the sake of convenience that all citizens reputedly normal are potential prime ministers or social and political philosophers? That is the sort of thing that is still being done in our manner of selecting jurors, and the results upon the character of our courts we know. There would be no profit in continuing this, and the conclusion is plain. Any society built upon the premise of the actual (in distinction from theoretical) equality of all men would soon disintegrate, to say nothing of its chances for producing the greatest happiness of the greatest number.

The Utilitarians, like their spiritual second cousins, the psychological hedonists, had a faulty conception of happiness. They seemed to have had the impression that happiness is something which, like gold or bread, can be given or taken. It rarely occurred to them that happiness is relative, and whenever it did occur to them, it failed apparently to leave much of an impression. It occurred at least once to Bentham, who declared that "one man's happiness will never be another man's happiness" and that "you might as well pretend to add twenty apples to twenty years." But this flash of insight did not prevent him from saying, almost in the same breath, that nevertheless we shall have to postulate the possibility of calculating quantities of happiness in order to deal rationally with political reform.

Perhaps the Utilitarians should not be taken too seriously on this particular point, inasmuch as their primary interests were in the direction of sociology and politics. The idea of happiness seems with them to have been somewhat theoretical, and it was certainly always subordinate to their practical convictions. A man with two loaves of bread will obviously be better off than a man with only one, if both really require two. That much is self-evident; but, for the sake of theoretical neatness, they add that this is so because the man with two loaves will experience less discomfort and anxiety and therefore can be said to be happier, or at least less unhappy, than the other. And, if the population of a given area is so great that the vast majority can never hope to get more than one loaf, something practical ought to be done about it—control of the birth rate, for example. Or, if the trouble seems to be a matter of faulty distribution of the national income, other measures will, of course, have to be resorted to, measures such as, e. g., the social appropriation of the unearned increment, inheritance taxation, universal education, and so on.

We need not quarrel with the Utilitarians here. It will be evident to most of us that in such matters they were generally in advance of their time. But just now we are primarily interested in a matter which to them may or may not have been of minor importance.

Happiness does not seem to be a thing which like food or fresh air can be gotten simply by making up our minds to get it. Nor is it a matter incidental merely to receiving goods and services, although these are a condition to human happiness because a condition to human existence. But to exist is not necessarily to be happy. Popular conceptions to the contrary notwithstanding, we cannot "get" happiness any more than we can "get" culture. Happiness, like culture, is rather something that happens to us. It is never achieved as a result of conscious effort to achieve it; it comes as a by-product of par-

ticular contacts and attitudes and curiosities, experiences into which we enter for the sake of the experiences. In some respects, therefore, happiness is something of the nature of what today is known as an "emergent." In fact, one of the surest ways of not getting it is to look for it, just as one of the best ways of being disappointed in a college or a university is to go there for the purpose of "getting an education." A man finds happiness because he happens to be in search of something else, just as a man becomes educated because he has become genuinely interested in the sort of world he is living in, or because he has developed a curiosity with respect to the mystery of cancer, or because there has been awakened in him the ambition to enrich the literature of his country.

Happiness, like education, is an unconscious transformation. No person not interested in another for his own sake can ever know the happiness of friendship. The man capable of domestic happiness is not the man who consciously seeks it; only he who consciously seeks the companionship of a woman as an end in itself, or who is interested in his children, giving himself to their welfare, is sufficiently prepared for the gift of domestic happiness. The peace of God will come to those that seek God; not to such as merely seek peace. Furthermore, as we saw in our survey of hedonism, happiness is frequently a matter of contrast. Only the depressed and the worried know the joys of relief; and only those who have been hungry can know the satisfaction of having their daily bread. Only those who have faced death know how good it is to be alive. Happiness, in short, like culture, demands preparation; but the preparation does not consist in the seeking of happiness.

Now, when we come to the problem of making the majority of men happy, we face a situation so complex that it is quite impossible to say anything intelligible at all. Furthermore, although happiness is demonstrably a matter of contrasts and conditions, yet there are any number of conditions which we

should prefer not to have, no matter how enjoyable the pleasures. Thus a society in which most people were sufficiently hungry to realize vividly the joys of being somewhat certain of daily bread would probably not be regarded as a model of human well-being. The witness for the prosecution of powerful gangsters is in a position to experience incalculable joys of relief upon the successful issue of his perjury; but we should hardly consider a gang-ridden city a good one merely because it happened to provide ample opportunity for certain qualities of joy.

But, on the other hand, it is equally apparent that such a thing as Spencer's ideal society, a thing quite orderly and safe, would hardly be the sort of thing from which to expect the greatest happiness of the greatest number. A society without adventure and surprises would to the majority be a condition of insufferable boredom; yet it is something like this that the Utilitarians had in mind. Their ideal seems to have been a society in which the majority, if not all, would stand a fairly good chance to experience the joys of the English lower middle class. Let there be universal education in order that the majority may be conditioned for the happiness that comes from the privilege of choosing one's rulers; since only the man who by means of education has learned to respect himself will be prepared to experience the satisfaction that comes from self-government. The pleasures of self-government may not be greater than those possible under a wise and benevolent autocracy, but they are "higher." Again, let society appropriate the unearned increment, and let it tax gifts and inheritances, in order that this world's goods may be more equitably distributed; for this will enable the people to spend more and thus raise the standard of living, which, presumably, will yield a greater amount of pleasure.

Now from the point of view of ethics there is nothing seriously wrong with this kind of reasoning provided we do not

overlook the fact, for example, that something more than a minimum wage is needed to produce a standard of living. A minimum wage may enable men to purchase more comforts, and maximum working hours may give them more leisure, but comforts and leisure lead as easily to degeneration as to culture. Leisure and comforts may enable a man to satisfy intellectual curiosity, but men also have other curiosities besides the intellectual. Furthermore, whether in the end they will be happier than their savage ancestors can never be decided. It may indeed be *better*, from the point of view of society, that the majority of its members have the English middle class outlook, but whether it would make for an increase in the amount of happiness in the world would be another question. Naturally, if education is made compulsory, the majority will have some access to kinds of enjoyment unknown to the illiterate, and that this is to be preferred to universal illiteracy no civilized man could possibly question. But, whether the "greatest number" are thereby made happier or merely made capable of greater potential unhappiness, will remain an open question.

Of course, all this was virtually admitted by John Stuart Mill in his famous contrast of Socrates and the pig — and it is precisely on that account that Mill can hardly be classed as a hedonist. Probably the only hedonistic thing about the Utilitarians was their language. And although they may have begun with the noble resolve to make all men happy, they end in praise of education and the extended franchise and a more equitable distribution of the national income, things we should normally approve whether they made people happy or not. There is, for example, some evidence for the belief that there were probably as many happy negroes in this country during slavery times as there are now. Nevertheless though we should be convinced that under slavery every single negro

would be happier than he is now, it is doubtful that we should on that account approve of slavery.

It is, naturally, beyond dispute that universal education and a more equitable distribution of the national income, although in themselves no guarantee of universal happiness, do make possible a level of life much more in accord with our ideas of what human life ought to be than does any social and economic order which breeds a considerable substratum of disowned and disinherited serfs. And there is more truth in the Utilitarian program of reform than in the ethics upon which it was supposed to be based; in this case, the superstructure is commendable despite the fact that the foundations are of sand. The expression, "the greatest happiness of the greatest number," if taken literally is quite unintelligible; and what the Utilitarians had in mind was a very simple thing, namely, that it is better that the masses should live on a fairly decent level of human existence than that the few should live in needless luxury at the expense and degradation of the many. And no person with a sense of proportion and perspective will wish to quarrel with their attempt to abolish those economic superstitions which permit the existence of such a wide and ghastly chasm between the rich and the poor, and which by allowing the destruction of a real middle class virtually destroy the backbone of any social and moral order. The Utilitarians stood for those simple ideals of social and economic justice which we today are apparently trying to realize.

However, they made the theoretical mistake of trying to prove the logic of their position in terms of happiness. And, as we have seen, happiness is not something that can be won by any deliberate campaign to that end; it cannot be taken by force no matter how righteous the means. Whether social and political reform will prove to be the means to the greater happiness of greater numbers will depend upon the inner dispositions of men. The wage earner and small trader may be

given the vote, but will they use it honestly and wisely? That, the Utilitarian contends, will depend upon education, and the more universal the education the wiser and more honest the voters. But will the kind of education sponsored by the Utilitarians insure society against a breed of clever rascals? We know by this time that popular education in America has not succeeded in making our social and political order the last word in sobriety, wisdom, and integrity. And as for leisure, men may use it either to improve themselves or to drug themselves; and that they will do the one rather than the other will not depend upon education as that is understood by the Utilitarians.

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CHAPTER III

SELF-REALIZATION

1.

THE general meaning of self-realization is not a matter of debate. Man realizes himself in the perfection of his capacities, and inasmuch as these can be known only in terms of his activities, his self-realization consists in the perfection of his characteristic activities as a human being. What then are the characteristic activities of a human being? With respect to this question all moralists are agreed that man has a variety of activities, that some are higher and others lower, and that the higher are more important and should in fact control the lower. Furthermore all agree that the higher activities have to do with man's rational and moral nature, and that the lower activities concern his animal or physical nature. And finally all agree that corresponding to these activities there exist characteristic values which, like the activities, can be arranged in a series according to their importance or worth. And this is about as far as the agreement goes, which is, of course, considerable, but unfortunately not enough for a significant answer to the question, What ought I to do in order to realize my true self? For the question, What is man's proper activity? ultimately means, Which of the higher activities should be the dominant one assigning to all others their proper place in the good life, and what is the specific content or value it represents? Now a study of the various answers given by the sages to this question will reveal that their respective ideals of self-

realization, although in form more or less the same, in substance frequently differ radically.

The fundamental thesis of the ethic of self-realization is both simple and true: A virtuous act is not only a means to, but also a part of, a harmonious totality of life. This perfection of life is both individual and communal. A convenient example is the perfectionism advocated by Plato in the *Republic*, in which the state is regarded as an organism of which the citizens are members. Just as the various organs stand to the unity and perfection of the body, so the citizens in the variety of their functions and relations stand to the state. Consequently, a man's human worth must be estimated in terms of the nature of his services and contributions to the state. The good man is the good citizen; and the good citizen realizes himself by promoting good institutions, creating beautiful things, worshipping respectable gods, seeking true thoughts, doing noble deeds, and in general laboring for the dignity and integrity of the state. The highest form of human self-realization will be the lot of the philosopher-kings, the rulers of this noble republic.

Of course, it is one thing to have the ideal of perfection, and quite another, to achieve it. On the other hand, the fact that one has ideals does not imply that one expects perfect realization; and to those who reject perfectionism just because it is perfectionism the answer is this: If one has ideals at all, one's aspirations are inevitably guided by some conception of completeness. The individual scientist does not expect to solve the riddle of the universe; but the less his interest in the riddle, the less must be his interest in science — if, that is, a scientist may be defined as a person primarily interested in finding out just what sort of a world he is living in. The inquiring mind knows no limits, and "the eye is not satisfied with seeing, nor the ear filled with hearing." Unless, in other words, a man feels responsible for the whole truth and nothing but the

truth, it is doubtful whether he is interested in truth at all. At least that kind of "research" which has for its objective nothing more than the saying of something new is not generally regarded as a model of disinterested inquiry. He who feels responsible only for "the best he can" will not often get beyond mediocrity and will usually fall below it. We owe what little light we have, not to moral and intellectual agnostics, but to those who could not be satisfied with less than complete understanding. A moral consciousness indifferent to perfection is no higher than a rational consciousness indifferent to truth; and, although we cannot in this life attain completeness, it is characteristically human to act as though we could.¹⁾

On the other hand, although the good life, like a good organism, must be harmonious, it is doubtful that the science of ethics can tell us anything very specific about just how the peculiarly human activities must be integrated in order to make for life's richest and most abiding harmony. There is no doubt that self-realization means harmony and that the individual who fails to develop his higher functions will be less harmonious than one who happens to neglect some of the lower; but there is considerable doubt concerning which of the higher functions if dominant will insure the highest self-realization. As a matter of truth, this is something that can hardly be decided independently of a more or less complete philosophy of life with its inevitable dogmatism.²⁾ Furthermore, perfect self-realization would seem to imply perfected humanity, and we may be reminded that human perfection for one may be identical with human damnation for another. Thus

¹⁾ Even the pragmatist with his perpetual insistence upon "truth in the making" feels himself under absolute obligation to continue indefinitely his "truth-making."

²⁾ The word dogmatism in this connection is not meant to suggest arbitrariness. The word here refers to the fact that inevitably we view the facts from points of view not *dictated* by the facts nor, on the other hand, manifestly contradicting them. Examples are naturalism, humanism, idealism, pragmatism, and any other philosophical view-points sufficiently respectable to appeal to at least some first class minds.

Spencer's idea of a perfectly adjusted society seems to have much in common with the conception that some intelligent Christians have of Hell.¹⁾ In other words, the statement that the good life consists in the perfection of our functions is hardly more than a truism. In fact, the idea of self-realization appears to be the common property of practically all schools of philosophy from Plato to the present. And the really significant question is not whether one ought to realize a higher rather than a lower self, but whether we can really determine which of the many possible higher selves we ought to cultivate in order to do complete justice to human nature.

2.

The statement that the good man is he who realizes himself has little meaning until we know something more specific about the nature of the ideal self which is to be realized. Obviously that will differ with the history of a people, with individuals and their station, and with the ideals peculiar to any age or epoch. It was not the same for Rome as for Greece; and among the citizens of either it would make considerable difference whether one happened to be a ruler, a soldier, a craftsman, a peasant, or a scholar. Again, the ideal of the good life was one thing for the men of the Renaissance, another for the Reformers, and still another for the patriots of the French Revolution. Inasmuch as each of these movements exhibited some dominant ideal, whether freedom, or empire, or comfort, or material advance, or artistic expression, each would tend to promote a distinct type of personality. The ideal person was not the same for the humanist as for the Calvinist, for the Rationalist as for the Romantic, for the Pietist as for the Unitarian.

¹⁾ See an article, "State of the Dead," in the *Encyclopedia of Religion and Ethics*, referred to by Professor A. E. Taylor in the *Faith of a Moralist*, Vol. I, p. 396.

That the general agreement between moralists on the distinction between higher and lower activities and values leaves room for a vast margin of difference as to the precise meaning of self-realization, may be seen upon examination of some of the major philosophies of self-realization. (a) According to Plato self-realization does and does not mean the same thing for all individuals. The mental life of man has three parts, viz., the rational, the active, and the appetitive; and the corresponding virtues are respectively wisdom, courage, and temperance. Now the essence of individual perfection consists of that spiritual harmony which a man achieves as a result of the subordination of the appetitive to the active part, and the subordination of both to the rational part of man. And whenever this happens, whenever a man's reason legislates for his will and his animal self, the resulting state of affairs may be called justice. Justice, in other words, is synonymous with self-realization, and is the same for every citizen irrespective of his particular station. On the other hand, a man's station in life does make a difference in regard to the dominant virtue or ideal befitting his personality. For corresponding to the three parts of the *soul*, there will be in the ideal state three political and social divisions, viz., the legislators (philosopher-kings), the soldiers, and the workers. The dominant virtue of the legislators is wisdom, that of the soldiers, courage, and that of the artisans and traders, temperance. If, therefore, the citizens of the ideal state will duly consider their stations and realize themselves accordingly, society will realize perfect justice. The dominant ideal of self-realization in the Platonic sense, therefore, is the ideal of an hierarchal and somewhat bureaucratic state promoting and controlling the arts and sciences, morality, religion, and in fact the entire range of human interests; a state all-inclusive, all-powerful, the father and preserver of an ideal humanity, the incarnation of the Idea of the Good. The individual finds himself and realizes him-

self as a citizen of such a state, performing wisely and courageously the duties of his station.

(b) Aristotle's idea of human perfection is more individualistic than Plato's — and also more pedestrian. For Aristotle there is no self-realization without such things as wealth, comfort, influential friends, a pleasing appearance, and all the other things sought after by the practical and ambitious man of the world. In the *Nicomachean Ethics* his argument is essentially this: The proposition that happiness is the chief good, although true, is too platitudinous to be worth anything. The important question is, What sort of happiness is appropriate for a good man? In order to arrive at a sensible answer to this question we must first make up our minds just what we mean by a good man; and, having settled that point, we may be ready to decide just what sort of happiness will be the best for him.

What then do we mean by a good man? Aristotle answers that a good man is good in the same sort of way in which a good horse or a good cobbler or a good artist is good. Thus we say that a cobbler is good if he does good work and that an artist is good if he has something worthwhile to express and expresses it so well that others are thereby inspired or enlightened or both. From examples such as these he draws the conclusion that the word good refers primarily to excellence in the performance of some activity. What then is man's characteristic activity which if well done will make him a good man? And the answer is that his characteristic activity is that activity which distinguishes his life from that of plants and animals, namely, reflection. A good man, therefore, is a man who reflects well and nobly. Now, as a reflective or rational being, man has two functions, viz., the control of impulses and feelings and the exercise of intellectual curiosity. Corresponding to these functions are respectively two classes of virtues, namely, the practical, such as courage,

temperance, and chastity, and the theoretical, such as wisdom and prudence. The ideal man, in other words, is the well-mannered, comfortable, and scholarly man of the world. Picture a man who can control himself, manage a corporation, and write philosophy, and you will have the fundamentals of Aristotle's idea of self-realization. And, incidentally, the kind of satisfaction such a man would experience in life would be the kind of satisfaction befitting a good man.¹⁾

(c) Stoic self-realization has a magnificence that will attract men always and everywhere. As compared with the Aristotelian scholar-and-gentleman ideal of personality it is something transcendently heroic. It is supported by a mysticism closely resembling that of New England Transcendentalism. William Ernest Henley attempted apparently to recapture it in the heroics of the *Invictus*, but unfortunately succeeded only in producing a rather bad and blustering imitation. The heroism of the true Stoic was something quiet, cool, and thorough-going. He believed the universe to be under the governance of an "immanent reason" expressing itself in the part as well as the whole. Inasmuch as the reason man finds within himself is identical with the reason found in the world at large, and inasmuch as reason is the source of law and value, man realizes himself in the serenity of the

¹⁾ The following quotation describes the eudaemonia of the contemporary business man: "In business, as in any other field, the satisfaction derived can be measured by what the individual takes to it, and to business, I am firmly convinced, man may take the whole range of his inherent abilities, ideas, skill, imagination, courage, truth, ideals, judgment—all are fundamental qualities that are needed in any worthwhile work, and the more of these offered and used, the greater the satisfaction will be. To put it differently, the more of man's innate gifts and resources he is able constantly to bring into play, the happier he is and the greater the growth of his character and his life.

"Ideas are needed everywhere and thrive only in the creative mind in use. Nowhere else are ideas so greatly needed or so fruitful of results as in business."

"And, finally, judgment is a human quality on a pinnacle by itself; it is the heart of business achievement." Professor J. C. Baker, in the *New York Times Magazine*, Jan. 13, 1935.

contemplative life. This involves the elimination of the emotions, passions, and desires, the encumbrances of his lower nature. Having achieved a sublime unity with cosmic reason he becomes a free citizen of a republic embracing the whole of reality. Nothing, therefore, can harm his true self; consequently nothing, whether the forces of nature or the fall of empires, ought to disturb him. The good man will continue steadfast, noble, wise, happy, beautiful — “for the features of the soul are more beautiful than those of the body” —, invincible, fearless, serene. True virtue is entirely a matter of the mind — a good man is wise, a bad man, foolish. Despite the fact that they sanctioned suicide, the Stoics were optimists, teaching that evil is purely relative to man’s limited view of things. Since, however, some of man’s limitations appear to be inevitable, if they finally make life intolerable, this is to be regarded as a hint from the All-Real that for the benefit of universal harmony the time of departure has come. In committing suicide, therefore, the Stoic believed himself to be doing his part in preserving the beauty and goodness of the world-plan. In short, self-realization for the Stoic consisted in the ability to act upon the belief that everything is for the best in the best possible world, a world inherently reasonable, beautiful, and good.

(d) Christianity was doubtless influenced by Athens and Rome, but Pagan thought, however noble, never seriously modified its central theme. For the Christian self-realization is synonymous with salvation, and salvation consists of peace and union with God and deliverance from sin. According to Christianity all things have their appropriate place in the Divine plan, the dominant theme of which is the glory of the Creator. Man finds his own glory in companionship with God. This companionship was broken by sin, but by the incarnation, death, and resurrection of the God-Man, Jesus Christ, there comes into being a restored humanity which on earth realizes

in principle man's true destiny, namely, the conscious showing forth of the glory of the Creator in love and holiness. The visible expression of this is the Church as the communion of believers bound together in one love and one hope; the invisible expression of it is the Church as a supernatural organism reaching from the present into eternity, whose Head is Christ. Individual well-being, so far as that is possible in the present dispensation, consists of membership in the Church, which today is the Church militant waging the wars of the spirit against the powers of darkness, and which in the wider setting of eternity is the Church triumphant realizing the transfiguration of this life and this world.

Here is a spirit of life and a view of things altogether unintelligible to the Greek and the Stoic. Christianity does not look upon feelings and emotions as necessarily belonging to a "lower" category of life, as something to be overcome. Man may be a slave to the intellect as well as to the passions, and an evil thought is just as low as an evil feeling. It is not enough that a man should use his intelligence; he must use it for a definite purpose and in the service of a peculiar value. Integral to this high service will be noble emotions, holy passions, and incomparable pleasures. The essence of Christian well-being is the exercise of all one's heart and all one's mind in the love and service of God. Thus all activities receive a cosmic dignity. There are human excellences and pleasures — the joys of creation, of expression, of fellowship, of intellectual discernment, of authority — which constitute the birth-right of all men but which in this life only few attain, and they only partially and with tribulation. But this does not disturb the Christian, for the joys of human action are safeguarded and laid up for him as an inheritance beyond death where all human functions and values are permeated by the beatific vision of God, and where the development of the potentialities of human life will be unending.

Christian self-realization, therefore, is a transformation of life such that man exercises all his functions under the guidance and inspiration of the immediate presence of God for whose glory he and all things were created. Consequently, the supreme principle of behavior is both religious and moral — to love God above all else and one's neighbor as oneself.

(e) The modern conception of eudæmonia is either Aristotelian or else something so abstract and "metaphysical" as to be without visible significance for the moral life. The first and most metaphysical of modern metaphysical perfectionists is Spinoza. According to Spinoza the only perfect thing is the Universe, the All-Real, the Absolute; and its perfection is so perfect that it quite transcends the mundane limitations of moral goodness. A finite thing is real only so far as it shares the pattern of the whole of reality; that is to say, the more important the place it occupies in the general scheme of things, the more real it is — just as a citizen is more really a citizen if he has an abiding interest in the fortunes of the government and the culture of the land. The specific self-realization of that part of reality which we call a human being is, of course, something determined by its own specific nature; but, inasmuch as the reality of the part is determined by its relations to other parts, and ultimately, to the whole, man is really nothing more than an event in a total causal order. The universe as a system being perfect, man increases in perfection as he becomes increasingly significant within the system. Despite the universal determinism implied in the idea of the Absolute, man as a part of the Absolute is the subject of "intellectual freedom"; that is to say, we are in bondage to our loves and hates just so long as we bestow our attentions upon unworthy and illusory objects; but inasmuch as we are capable of seeing things in their true perspective, illusory objects may become known to us as illusory, and thus we become aware of worthier things. The

broader point of view frees us from the illusions of our narrower selves. Freedom consists in our becoming more "real," and we become more real simply by cultivating a metaphysical point of view. As our view broadens and our interests increase we become more significant entities in the total scheme of things. Man's final perfection expresses itself in an activity which Spinoza calls the "intellectual love of God." Just what this is only Spinoza knows; the most we ordinary mortals can make of it is that the most inclusive point of view of which a human being is capable has associated with it a peculiar psychic quality or emotion. Anyway, self-realization for Spinoza consists in the ability to view everything in the light of everything else and setting one's affections upon the universe as a whole, a universe, which, although embodying justice, goodness, and beauty, is essentially transcendent. Self-realization is self-transcendence. In order to be a man, one must be more than a man.

(f) With Butler we drop suddenly to the level of common sense with its discouraging respectabilities. Butler's idea of human well-being consists of a digest of Aristotle decorated with a number of sweet and wholesome platitudes. Actions are right or wrong depending upon times and places; a right action at one time might be wrong at another time, and a wrong action in one place . . . etc. The fundamental thing about the moral life is that each of our natural drives and tendencies has its appropriate place and degree of activity. An act which leaves undisturbed the proper rhythm and balance of the good life, is good; any other is, of course bad. Impulses must be subordinated to prudence and benevolence, and these in turn are subject to the authority of "conscience," whose function it is to maintain the proper balance of all the human propensities. Furthermore, whenever conscience and happiness clash, the decision must go to conscience; since, according to Butler, we are more certain of the deliverances of

conscience than we ever can be on the question of our lasting happiness. We do not know what is our greatest happiness even within the confines of this life, to say nothing of what it would be in the setting of a possible life hereafter. Butler's perfect man is the man guided in his attitudes and actions by conscience, the elements of which are "justice, veracity, and regard to common good."

(g) With Hegel we ascend again into the rarified atmosphere of Spinoza. The purpose of history, according to Hegel, is human perfection, which is realized in the evolution of institutions, especially the State. In order to realize himself, therefore, the individual must unite himself with his culture. Society with its institutional life Hegel defines as reason come to "self-consciousness." The highest human expression of self-conscious reason he defines as the perfection of the human will in art, philosophy, and religion. Just as the growth of an oak may be said to realize the laws of organism potential in the acorn, so history may be said to realize in the evolution of culture the immanent law and reason of the universe. The final self-realization of the individual transcends his union with institutional life and expresses itself in a kind of mystical union with the Absolute. And this is religion.

(h) Utilitarianism brings us right back to earth, to the sobriety of lower middle class aspirations, to an idealism thoroughly understood by lawyers, shop-keepers, and the proletariat. It is not a form of perfectionism in the usual sense of the term, yet it proclaims a doctrine of complete human well-being, and its kingdom of heaven is a social order which shall insure "the greatest happiness of the greatest number." The end of all legislative, legal, and executive functions is social welfare in the strictly mundane sense. The individual will realize his true self by participation in that general state of happiness which will evidently come into being with the advent of minimum wage laws, the franchise, sickness and un-

employment insurance, equality before the law, labor-saving devices, recreation, government supervision of housing, "state medicine," popular education (as that is understood by hard-headed common sense), and so on.

(i) English Neo-Hegelianism may for our purposes be regarded as a recrudescence of Spinoza. It connects the idea of self-realization with such metaphysical entities as the "universal self," "noumenon," the "Absolute" and so on. The real moral will is not to be identified with the will of a finite person; man realizes himself by approximating more and more in his own life the worth and significance of the universal self. Such matters as knowledge, morality, and beauty are "aspects" of the Absolute or, better, they are ways in which the Absolute "appears." This is said to imply that knowledge—or morality or any other aspect—is both identical with reality and distinct from it. Thus knowledge, being an aspect of reality, to that extent is reality; but, because it is only an aspect, it is not all of reality. But the more of this aspect we manage to include in our experience the nearer we come to a realization of the Absolute "in ideal form." The same would be true in the case of morality, religion, the æsthetic, sensation, sin, and in fact any aspect of the real we may choose. If, therefore, the experience of one individual could be sufficiently universal to include all of these aspects, and each in its entirety, such an individual could be said to have realized the Absolute and, hence, to have realized the Universal Self.

For example, a man is called great if he harmonizes within his own personality all the legitimate — and frequently illegitimate — interests and aspirations of his nation or his epoch. Thus Lincoln is called great because he identified himself with interests connected with at least three critical issues, viz., the economic issue of an agricultural South versus an industrial and banking North, the moral issue of slavery versus abolition, and the political issue of Nullification versus nationality. Sup-

pose now that some genius could identify himself with the purpose and reason immanent in all human history — such a personality would be superhumanly great, because he would more nearly approximate the universal self than would be possible for someone merely great. Suppose further that such a genius could know not only the laws according to which bodies move but also all the bodies that would move according to these laws during the entire history of falling bodies; suppose that he could know also every molecule in all these bodies, their movements, the activities of their atoms, their electrons and protons and neutrons and the laws of their behavior; suppose that he had knowledge of all the cells and their changes within all the organisms during the entire history of organisms — suppose, in short, that he knew everything: in that case he could be said to have realized the universe in ideal form. Suppose, finally, that he could also “identify” himself with all this: in that case the ideal self would have been completely realized in his experience and he would *be* the universe.

Of course, the moral life is only a part of this complete realization of the universal self, for morality, like knowledge, is but one of the many ways in which the universal self appears. However the complete realization of the universe in the ideal form of morality would be just as stupendous a feat as its complete realization in the ideal form of knowledge. Furthermore once we had fully realized the universal self, morality, knowledge, good, evil, and so on would no longer exist. Mr. Bradley has summarized all this very nicely somewhat as follows.¹⁾ A man perfectly moral would cease to be merely moral, because where there is no imperfection there is no *ought*, and where there is no *ought* there is no morality. But morality is an attempt to get beyond imperfection; and if so, an attempt to get beyond *ought*; and if so, an attempt to get beyond morality.

¹⁾ *Ethical Studies*, pp. 234-235. Second Edition, Oxford, 1927.

Self-realization for the neo-Hegelian, therefore, consists in becoming increasing real until one arrives at a complete and infinite self-consistency. Of course, in practice, those who hold this diverting theory are satisfied that a man has done enough when he has more or less identified his interests with those which civilized people as a matter of fact recognize as worth while.

(j) Contemporary perfectionism stands for the simple and wholesome doctrine that the good man is the man of broad cultural sympathies. However, in order to know just what this means, we must ask a question. What specifically are the concrete ends a man must achieve in order to realize himself as a man of broad cultural sympathies? And the answer usually given is that we must establish a system of values, that is to say, since the goods of life may be variously ordered we must once and for all make up our minds as to the right order. Fortunately, so we are told, the values seem to order themselves in a way that seems entirely natural to all enlightened men. To begin with, values are obviously of two kinds, viz., the material and the spiritual. Recreation, health, food, shelter, clothing, and so on constitute the material values; science, philosophy, morality, art, and religion, the spiritual. The material values may be called fundamental or lower, depending upon one's point of view; that is to say, they are fundamental in the sense of being necessary to the realization of the spiritual values — in order to be able to philosophize, a man must have at least something to eat, etc., —; and they are lower in the sense of having less intrinsic value than the spiritual values.¹⁾ At least from the point of view of civilized man, the spiritual values are more significant because more

¹⁾ The last statement is not, of course, subject to demonstration. Furthermore, whenever we say that no civilized man would care for a life in which the material values were ends in themselves, we really say no more than that the man who regards the material values as means does not regard them as ends.

definitive of man's peculiar place and function in the world. Both kinds of values are said to correspond to certain fundamental human tendencies and dispositions, such as acquisitiveness, gregariousness, sex, self-assertion, curiosity, reverence, play, and so on. Behind this descriptive detail we usually discover the philosophy of inevitable progress, the fundamental assumption of which is that whatever is is right for the time being. We also find a theory to the effect that civilization in the true sense of the word began with the Greeks, and that contemporary enlightenment is simply a continuation of Greek culture. This belief need not, of course, involve the repudiation of contributions made by Christianity — although as a matter of fact it usually does involve the assimilation of Christian values into what is essentially a secular view of life. Humility is admirable when connected with influence and power; purity of heart is a noble thing in the man of authority; and meekness has a kind of greatness when joined with worldly fame. But meekness, long suffering, humility, and purity of heart as ends in themselves seem to be rather useless. The real contributors to civilization are not the saints but the artists, inventors, and philosophers.

3.

Perfectionism in some form or other seems to be inevitable but, unfortunately, there can be only very partial and very superficial agreement on what perfection really is. Apparently we shall have to accept as a paradox of human nature the fact that we demand perfection but cannot discover by scientific means just what it is. We have no difficulty with the idea of a perfect vacuum, or a perfect gas, or even a perfect automobile, but when we begin to discuss the idea of a perfect man we soon discover that we do not really know what we are talking about. We might, of course, try to arrange imperfect men

in a series according as they more or less exhibit certain picked attributes or activities; but the objection to this would be that these activities to be worth anything as criteria of human goodness must, as we have seen, be organized so as to constitute a definite type of person. Inasmuch as this would imply nothing short of a philosophy of life, we should in the end find ourselves arranging the series according as the individuals happened to exhibit some ideal of human life. And at once we should have to deal again with an old and, from the point of view of scientific ethics, insoluble problem — Which is the true ideal of human personality; is it Plato's, or Aristotle's, or Christ's, or F. H. Bradley's, or G. B. Shaw's? Obviously a person embodying all of these ideals would be a genuine curiosity — a creature which certainly no human being could understand. But why not take as our standard of human perfection some combination of the virtues which these ideals seem to have in common? The answer is that such a standard might do for a plaster saint but hardly for a human being.

That man should develop all his capacities fully and harmoniously sounds very promising until we look at the facts, and then we discover that the full and harmonious development of *all* our capacities is occasionally opposed by the very demands of morality itself. An interesting feature of the idea of self-realization is its wonderful and almost unscrupulous elusiveness. For example, in order to develop all my faculties to the full, I should today presumably require at least the equivalent of a university education. Suppose, however, that my parents or a helpless sister need my support and that my means are sufficiently limited to preclude the possibility of my meeting these family obligations and also realizing my broadly cultural self? What advice do I get from the ethics of self-realization? Simply that I should choose that alternative which will realize my most fundamental self — which amounts to saying that I ought to realize that self which I

shall realize whenever I do what I ought to do. And that, of course, does not throw much light upon my problem. Furthermore, it is plain that no matter which alternative I may choose, it has under the circumstances become my moral duty not to realize fully all my capacities. In other words, it may sometimes be my duty to realize myself only in part. And if the answer to this be that, by sacrificing one self I thereby realize another, then, of course, there will be few if any people in the world who do not realize themselves. There are probably no exceptions to the rule that full justice to even one faculty involves at least some neglect of all the others. So that the advice that we ought to realize ourselves seems in practice to amount to saying that each of us ought to do the best he can.

As for the idea of developing our faculties harmoniously, we may be reminded that there seem to be any number of possible harmonious arrangements. Naturally we all want our lives to have the richest possible content, but that is a long way from being informed — except in the most general and therefore most indefinite way — as to just how our lives should be organized. The ascetic believes that physical values and bodily well-being have a place in the good life just as the pleasure-seeker believes that the things of the spirit should be assigned their rightful place; but in either case that place is not an important one. Naturally any philosophy of life in order to be at all relevant must satisfy man's fundamental tendencies, but there is such a thing as proportion, and that is not the same for all cultures. Harmonious development will mean one thing to the savant and quite another to the average member of a California chamber of commerce. It was not the same for Plato as for Savonarola; not the same for the Utilitarian as for the Idealist. The full realization of the bodily self will not mean for the Pietist what it means for the Greek. A Cambridge Brahmin will not make the same demands upon

gregariousness as a Peoria Rotarian. Mr. Edison's philosophy of salvation by work will not require as much "sex" as that philosophy which sees the hope of the race in "leisure."

When we come to the problem of the proper distribution of the higher values we meet with the same difficulty. The religious man will not require as much of the æsthetic as the man of the world in order to get relief now and then from the brutal and drab realities of life. Although both art and intellectual curiosity must be given a place in the good life, the place they actually get will obviously depend upon whether one be an artist or a biologist. And the Puritan will subordinate both art and science to character and the fear of the Lord, whereas the cultured Pagan will subordinate all positive religion and positive morality to the æsthetic. In other words, the proportion of attention given to man's fundamental dispositions will vary with one's ultimate view of life; nevertheless, any view of life will imply some form of self-realization, and the question as to which is the truest seems a hopeless one for ethics, since about all it can tell us is that there are higher and lower values and that whenever we must make a choice the higher are to be preferred. But that is still far from giving us fundamental principles in accordance with which every one of the legitimate dispositions shall receive its proper emphasis and thus enable a man to realize his true function in this world. We all realize that the man who thinks is a man who more nearly realizes ideal human nature than the man who merely smokes and dreams, but that does not settle the question as to whether man's real destiny is to enjoy this world or to enjoy God. Even were this problem solved we should still have differences respecting the true nature of either God or this world sufficiently fundamental to allow any number of cultural and religious ideal selves.

We are sometimes told that the essence of right living consists in "appropriating the values discovered by the race in the

course of history." That, again, either expresses a mere truism or it means, as it usually does, that we must appropriate such values as are consonant with a secular outlook upon life. Which, of course, is merely to advocate one possible outlook upon life as over against a number of others. The values thought worth appropriating by the humanist may frequently coincide with those chosen by the theist, but to those who know the difference between humanism and theism the parallelism will be purely fortuitous. And to say that theism is based upon impossible premises is merely to say that one accepts premises which imply the impossibility of some others. And which of the possible sets of premises is actually true is a question which, unfortunately, ethics cannot settle.

No sane person doubts that true morality rationalizes human life, that our activities must be harmonious, and that each of our interests must occupy its appropriate place in the good life. But that does not tell us what the proper place of any particular interest really is. Take, for example, that concern with immediate causes which we call the scientific interest — is its proper place in the good life that subordinate place assigned to it by the Socratics or is its proper place the authoritative place given to it by Comte? Obviously on either view we shall be able to get some form of harmonious adjustment of the human interests. We are told that our interests must be so organized as to "realize a truly human purpose," but we are not told just what a truly human purpose is. And the statement that a truly human life will seek to subdue and regulate the impulses, is a truism which, like the doctrine that the universe is one, we can afford both to accept and forget. Again, we are told to find our true selves in the service of a universal cause. And the significance of this statement is such that everybody, Mohammedan or ascetic, politician or saint,

can accept it without reservation. Furthermore, such "universal causes" as happen to be recognized by the majority of civilized persons, almost invariably reduce to such generalities as justice, devotion, honor, courage, and all the other abstract virtues to which we all give theoretical assent but which in practice persistently acquire a host of conflicting meanings.

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CHAPTER IV

FORMALISM

1.

FORMALISM is at best an insistence upon the unconditional priority of moral obligations, and at worst, a preface to moral cynicism. In its lowest and emptiest form it is this. An act is morally right if it is done because it is thought to be right. Beyond that morality does not go. Only the motive of duty for duty's sake is always right; all other motives are sometimes wrong. Thus acts motivated by friendship, filial piety, parental love, and patriotism are not unconditionally and necessarily right. Friendships may be unholy; parental affection may become a source of social and economic injustice; and as for patriotism — there are few crimes which it has failed to sanction. It is otherwise in the case of duty. He who performs an act solely because he believes it to be right may be called unwise, or even ridiculous, but never vicious. If we are reasonably certain that a man is conscientious, although we may question his wisdom, we never suspect or hate him. If a man is honest but stupid we may feel sorry for him or laugh at him, but we do not call him a public enemy. In short, a society of conscientious men and women would be a society free of enmity and suspicion, and therefore a moral society.

We need not discuss this peculiar theory at length. It contains some truth but not enough to render it a serious account of the facts. It has the obvious and fundamental defect of

failing to distinguish between what a man thinks to be right and what really is right. We may admit that a right act if done from a non-moral motive can hardly be called a moral act; it does not follow, however, that a wrong act if done from a moral motive is right. But at once we face a question. May we not legitimately distinguish between a right act and a moral act? Must an act be right in order to be moral? The most we can admit is that an act may be wrong without implying evil intent; nevertheless, if I consistently mean well and act badly, there seems to be something morally wrong. Furthermore, I may believe it to be my duty to shoot the President, but I should hardly be thought deserving of praise merely because I had been honest in my beliefs. On our level of civilization we consider it a man's business not only to be honest in his beliefs, but also to be more or less correct. At least, if we allowed ourselves to be satisfied with men's actions simply on the ground that they were honestly believed to be right, we should soon be reduced to the life of the jungle. Human nature is such that it is apparently capable of believing honestly the rightness of almost anything. A civilized man believes it to be his duty to treat his wife at least as an equal, whereas the savage is equally honest in the belief that his wife is his personal property and therefore to be done with as he pleases. The gangster is doubtless honest in his belief that bothersome members of a rival gang stand in the way of a more equitable distribution of the nation's wealth and therefore ought to be laid to rest. In short, if an act is moral because it is believed to be right there will be few if any immoral acts; and, in order to make evil good, I need only to call it my duty.

A better and also more popular type of formalism is that on the level of common sense. Briefly it is this. Acts are intrinsically right or wrong. Murder, cowardice, lust, cruelty, envy, malice, dishonesty, drunkenness, ingratitude, and so on

are wrong no matter what our conception of life, no matter what our philosophy, no matter what our stage of civilization. They are wrong by the judgment of the moral law written upon the hearts of men; and no society giving sanction to any of them could possibly be called civilized. Some things are intrinsically bad, just as some things are intrinsically ugly. No amount of philosophizing and no æsthetic prepossessions can possibly make an ape beautiful; so also no amount of "sophistication" can make cannibalism something good or even morally indifferent. Inflicting pain upon a fellowman merely for the sake of inflicting pain is, in the very nature of things, an evil. In another kind of world cruelty might be perfectly indifferent — it might, for example, be on a par with making a fellowman laugh merely for the sake of making him laugh — but that is not the sort of world we inhabit. Our civilization has brought to light certain natural repugnances which we cannot lose and remain human. No civilized man would wish to overcome his abhorrence of murder, mutilation, and torture, for these repugnances are integral to humanity rightly understood.

Now if certain things are intrinsically right and others intrinsically wrong, how do we distinguish them? The answer is, How do we distinguish black from white? In other words, man has a special sense called the moral sense, or conscience, which distinguishes right from wrong as immediately as our eyes distinguish black from white.

The idea that there are things intrinsically right or wrong has a long history and it persists to this day. The Sophists of Socratic Greece and the Stoics talked about such things as "natural laws" and "natural rights," by which they meant that there were certain moral attitudes inherent in human nature. Just as there were laws of physical nature which men were compelled to respect, so also there were laws of human nature which a man could ignore only to his hurt. The rules of

morality were as absolute and permanent as the rules of health. If a man too frequently becomes angered or otherwise excited it will have a marked effect upon his nervous system; hence, temperance. If he takes the sword lightly he will perish by it; hence, justice. If he indulges his natural tendency to shrink from unpleasant duties he will be overrun by others; hence, courage. And so on. Here we have some of the so-called pagan virtues, things thought to be good in themselves, qualities thought to be the marks of the true man. In Christian ethics we have the Ten Commandments, which express the will of God and therefore — God being the source of all things — the fundamental demands of human nature. With the advent of the Renaissance we hear much about the “natural light of reason”; it is supposed that society can be rescued from moral starvation and artificiality by looking to nature for the real laws of right human behavior. When we come to the creed writing period in politics (Locke, Montesquieu, the Federalist) practically every innovation and rebellion is justified on the ground of natural rights and the laws of nature. Certain things — civil and political rights, forms of government, individual privileges — are right because natural, and natural because discovered by the “light of reason,” which is believed to have a kind of intuitive infallibility.

We are sometimes told that, human nature and human history being what they are, it is not hard to understand why formalism should continue to bedevil the race. Morality, we are told, began with custom; certain things simply were or were not done, either for a very good reason or for no reason at all. Gradually custom became law. Now it is one of the peculiarities of human nature that, whenever a custom is backed by majority opinion and physical penalties, men easily come to believe that it has a peculiar sanctity. If a thing is taken for granted by practically everybody, it is a rare spirit indeed who will think for himself and decide the opposite.

The moral is this: Formalism will survive wherever men forget that a customary act was originally a useful act and that the rightness or wrongness of an act depends upon consequences.

This account of formalism calls attention to an interesting and, perhaps, important fact, but explains nothing. There is a logic in formalism which no psychological account can explain away; and it is this. An act is either good in itself or good because of its consequences. If an act is good because it has good consequences, then either the consequences are inherently good or good because somehow instrumental to something else that is good. Now unless we stop somewhere and say that this or that is in itself good, we get an infinite regress, and morality becomes impossible — at least, for conscientious men who think.

A customary and, indeed, very respectable criticism of the formalistic conception of morals may be expressed as follows. To say that an act has the *quality* of rightness is really to use a figure of speech. The assertion, This act is good, is no different logically from the assertion, This log is heavy. Heaviness, as we know, is not a quality inhering in the log; rather it is something we can say about the log as a result of its relation to other things, especially the earth and us that dwell thereon. In like manner, the goodness of an act is not in the act itself but in the relation it sustains to such things as my neighbor's interests, the ideals of my society, the purpose I have in mind, and so on. When, for example, we judge that a piece of cloth is blue we mean usually that in daylight it will look that way. Under artificial light it might not be blue at all, but black. In itself, therefore, the cloth is neither blue nor black. This is expressed by saying that the blackness or blueness of the cloth is a function of its relation to varying sources of light. So also in the case of good or bad acts: Thus normally, if I take measures to prolong my life, I shall

be considered a responsible, sensible, and, therefore, moral citizen. Clearly the goodness of my act is conditioned by the fact that I have certain responsibilities to others who need my support and, perhaps, my companionship. If, on the other hand, I happen to be the captain of a sinking ship, my measures to save myself may be altogether reprehensible. Here the badness of my act is conditioned by the fact that I have obligations to the passengers, the good name of my employers, and the "tradition of the sea." The point is: Any act by itself has inhering in it neither goodness nor badness, and whether it can be called either will depend wholly upon conditions. Many people talk about letting "conscience be your guide." If by that they imply that conscience is a native ability to distinguish the qualities rightness and wrongness in acts, they are apparently ignorant of the real facts.

Of course, the common man will discern no difficulty here at all. Naturally, he will argue, whenever we speak of an action, whether good or bad, some set or other of conditions is understood. Thus, whenever we assert that a piece of cloth is blue, we mean blue under standard conditions of daylight; assuming these conditions, it is unalterably blue. Remove all conditions, and it is hard to see that there remains anything at all to be said. It is always right for a man to save himself under certain conditions, and always wrong under others; but the two cases do not concern the same act. Cowardice, although occasionally pardonable, is always wrong, and when we say cowardice we mean fear as a function of certain conditions. But it is not clear that we have gained anything by saying that fear as a function of certain conditions is wrong rather than saying that cowardice is wrong. Whether, therefore, a thing be called a function or a quality would seem to be a mere matter of terms. When we say that cruelty is wrong, we obviously do not mean that the act of inflicting pain is wrong. Cruelty is an act of inflicting pain under certain

conditions, and nothing can make that right. It will be hard to convince the common man that the difference between the statement that theft has inhering in it a quality called evil, and the statement that the appropriation of goods is a function of a determinate set of terms and relations violates the principle of equity, is fundamental and anything more than sheer pedantry. The unreflective man regards moral laws as having immediate validity. For him honesty is always and everywhere right, and stealing, wrong. This is immediately and absolutely self-evident, and any argument about it would be to him inherently absurd. Should one point out to him that unusual circumstances seem occasionally to transform a theft into a right, his answer would be that in such cases the theft is only apparent and therefore not really a theft. But real theft and real murder and real covetousness are always and everywhere wrong, and the mere fact that real stealing depends upon circumstances and relations makes no difference.

In short, the contention that an act may be wrong in some situations and morally indifferent or even right in others, will not impress the common man. And perhaps excusably so, since it must be admitted that anything *in itself* neither right nor wrong nor morally indifferent is probably nothing at all. At least an action performed under no circumstances and without connections seems to be quite unthinkable, so that the statement that acts *in themselves* may or may not be wrong, if not altogether meaningless, is certainly trivial. The common man understands perfectly that the pickpocket is not a thief merely because he has occasion to extract from another's pockets a piece of metal or some paper. Doctors and hospital attendants frequently have occasion to do the same thing. According to St. Augustine, in cases of extreme need all things are common, and the act of unceremoniously appropriating a necessity may not be wrong. The common man will have no difficulty with this either, and he will simply point out

that in such cases the opportunity to steal is limited. But he will insist that under certain circumstances one act is always wrong and another always right, and that an act is not morally wrong unless it is wrong for everybody under those circumstances. In a capitalistic society, and even in a thoroughly socialistic one, the possibilities of appropriating that which is not rightfully mine are normally very extensive — either I rob a capitalist or I rob the state, and that is always wrong.

Moral imperatives, therefore, whether in the form of commands or prohibitions, come to most people with immediate and absolute authority. Our immediate moral consciousness does not command us to promote happiness or to work toward the efficiency of the state; it simply commands us to do this or to refrain from doing that. Naturally, whenever we take time to think about these commands, we may find plausible reasons for them, but these reasons do not usually make up the content of the immediate moral consciousness. And where they occasionally do, they come with the authority of a value, and a value is something immediate and absolute. For the common man, therefore, there can be no real difference between a hypothetical and a categorical imperative.

Modern formalistic ethics differs from that of the ancients in that it is subjective. It is not particularly interested in the "moral laws of the universe" but concerned only with maintaining that the moral consciousness is a necessary mode of viewing human acts and situations, and that as such it is original and irreducible. The difference between right and wrong cannot be reduced to anything else. A person may be wrong in the sense of using bad judgment, but this way of being wrong can be reduced to such things as ignorance of the facts, laziness, or stupidity. If, however, one slanders another the wrong done cannot be reduced to bad judgment or ignorance; it has a quality specifically its own, is inherently vicious, and more than merely mistaken. In other words, moral right

and wrong are distinctions quite as original and objective as beauty and ugliness, black and white. Of course, a thing may be beautiful to one and merely plain to another. But the point is that if you call a thing ugly or plain you distinguish it from beautiful, irrespective of whether you and I agree in particulars. When I say that a thing is ugly you at once realize that I mean the opposite of beautiful and not the opposite of sour or pink. Likewise the intuitive opposite of good is not black or ungrammatical, but bad. Goodness, like the color blue, or sound logic, or bad grammar is something that can be pointed out to a person, and if he does not intuitively perceive the thing meant nothing more can be done for him. In other words, the moral quality of an act, like the visual quality of a necktie or the logical quality of an argument, is something inherent and absolute. It has nothing to do with results. Moral standards, like logical standards, have their own authority. You do not consider an argument illogical merely because it makes somebody feel unhappy; so also you do not say that an act is bad merely because it gives somebody a headache. Good acts may in the long run lead to fortunate results and bad ones to evil results; and this may be more than merely accidental, but that has nothing to do with their goodness or badness. All other things being equal, if all people reasoned well, society would be immensely improved; but the improvement of society is not the ultimate test of good reasoning. Results determine the goodness of an act no more than they determine the logic of an argument. In a virtuous society, virtuous people would on the whole be happier than the vicious, but that does not prove that, in the society of our experience, the happy people are invariably the virtuous, or that the virtuous invariably make others happy.

Is there such a thing as a special moral "faculty"? The answer is, No, and formalism does not imply its existence any more than it implies the existence of a logical faculty or an

æsthetic faculty. Then what about conscience; is it not a special way of intuiting right and wrong? And is formalism not committed to the theory, "Let conscience be your guide"? The answer to this will depend upon what we mean by the word conscience. If we mean a special intuitive insight by which, independently of experience and training, we immediately know or at least feel that this or that particular act, or class of acts, is right or wrong, then formalism is not committed to the theory of conscience as a moral guide. If, on the other hand, conscience be defined in a way such that good and bad are conceived as particular forms under which we view human acts and human attitudes and social conditions, then the word conscience evidently refers to a fact quite as objective as the fact that we also on occasion have other ways of viewing things, viz., the logical and the æsthetic. For there is no reason why we should not speak of an æsthetic and a rational as well as a moral conscience. Conscience in each case will consist of a peculiar quality of feeling integral to a set of judgments. Thus our experience of a beautiful thing involves a peculiar quality of pleasurable feeling, a feeling quite distinct from that induced by a noble deed or a logical argument; and our experience of an ugly thing involves a feeling of displeasure quite different from the feeling that is ours whenever we witness slipshod thinking. Again, our disapproval of intellectual stupidity involves a quality of feeling altogether different from that integral to our disapproval of intellectual dishonesty. Now one of the primary features of the quality of feeling integral to a moral judgment is the consciousness of unconditional obligation. This peculiar consciousness is irreducible; that is to say, it cannot be translated in terms of pain, pleasure, fear of consequences, and so on. There is, simply as a matter of brute fact, a difference between the feeling of moral obligation and any other feeling. A scientist may feel obligated to accuracy and logic, but this is

not identical with the moral obligation to be intellectually honest. The latter has a sanction and authority all its own. I do not, for example, feel obligated to be honest because I feel obligated to be happy or logical or famous. Again, we never feel obliged to escape painful consequences. But once we face a moral issue the proper course, or whatever we believe to be the proper course, is accompanied by the unique feeling of an obligation which precedes and dissolves all others.

2.

The traditional spokesman of formalism is, of course, Kant. Moral law, according to Kant, is objective; that is to say, the principles of moral conduct are quite as independent of human opinion and imagination as the facts of health or the "laws" of nature. No more than we can ignore the laws of nature can we ignore the principles of morality with impunity. Naturally the results in both cases need not be the same. Thus I cannot persist in drunkenness and other debilitating habits without grave injury to my health; I can, on the other hand, ignore many facts of the moral life without noticeably inflicting damage upon my organism. The penalties of moral infringements are frequently on another level. Dishonesty and theft and pride and an occasional liason may render a man incapable of a responsible and wholesome attitude toward life. The wages of an undisciplined life is not infrequently the boredom of a commonplace animal existence. A more serious penalty is satiety. He who is tired of life because the door to adventure is closed, he whose sensibilities are dulled beyond hope of rehabilitation, suffers punishment quite as serious as the physical degeneration of the drunkard. Moral law, in other words, is just as obviously a matter of cause and effect as any other type of law however "physical" and objec-

tive. Now it is precisely for this reason that Kant emphasizes the factor of reason in the moral life as over against feeling. No more than we can recognize and express physical law, can we know moral law by means of feeling. Feeling is purely subjective and differs with individuals; not so in the case of reason, which is concerned wholly with objective facts. Relative to feeling each of us lives in a world apart; relative to reason we face a common world to which we must accommodate ourselves.

Since all men irrespective of race and color, if sane, are rational, and since, therefore, whatever would hold for one would hold equally for any other, the fundamental question for ethics is, What are the principles of moral conduct for rational beings? Kant proposes to answer this question by analyzing the idea of a rational being and in this way to arrive at moral laws verifiable in the experience of all men. The assumption is that all men trained to a realization of their rational nature will be agreed on the fundamentals of the moral life. Accordingly Kant arrives at the conclusion that the moral life consists of obedience to duty, that duty has nothing to do with desire or prudence, being invariably accompanied by the consciousness of moral obligation, and that the consciousness of moral obligation has a unique and irreducible quality. A right action must be universally and necessarily right, just as a scientific conclusion must (according to Kant) be capable of the universality and necessity of mathematical expression. The moral law, in other words, demands infallible knowledge and perfect performance.

The morality of an act is independent of its consequences. The individual deserves no credit for the good results of a bad act, nor is he responsible for the bad results of a good act. My duty may involve the pain and discomfort of others; it is nevertheless my duty. It is always wrong to lie even though it be instrumental in saving a life; and where the truth means

death the responsibility is God's, not mine. My responsibility does not reach beyond the categorical imperative, which tells me that lying is universally and necessarily wrong. No value the preservation of which is conditioned by the violation of a categorical imperative is worth preserving.

The moral law is not hypothetical and can never, therefore, be a matter of calculation. In this morality differs from wisdom and prudence. Thus if I wish to avoid a cold it will be wise for me to take certain measures for avoiding infection. But this counsel of prudence is not unconditional; that is to say, it is not a primary obligation. I may disregard temporarily the immediate needs of the body for the sake of saving a life or feeding the poor. In short, if my choice is between a moral command and a counsel of prudence, the former has unconditional priority. And to the question, Why should this be? the answer is simply that such is the nature of the human mind. Man has been made that way, and it is precisely for this reason that he is unique and above all other creatures. As a physical specimen he is a mere animal, the instrument and legitimate prey of other animals; as a rational and moral being, he is an end in himself.

Morality and the moral law cannot be explained in terms of the feelings of approval and disapproval, since we frequently disapprove when the morality of an act is not in question. Thus we customarily disapprove of the familiarities of some people, or of tendencies on the part of some to monopolize conversation, or of any other form of "bad manners." Bad manners, however, are not necessarily immoral. Again some people simply grate on us and we disapprove of them accordingly, but such disapproval is not always a moral disapproval. Morality, therefore, must be explained in terms of rational principles rather than in terms of emotions and feelings. An action is right morally, not because we or others happen to approve, but solely because it answers to the demands of a principle.

Thus to help a man in distress merely because his distress makes me feel uncomfortable is not to act morally but impulsively (some other person might be equally distressed, but if he happened to be someone for whom I had a particular dislike his distress might not make me feel uncomfortable, and hence I should probably not feel inclined to relieve him). My act could be called moral only if I came to his relief simply and solely because of some rule of conduct which as a rational being I had accepted. A moral act, in other words, is an act done because of respect for a principle acknowledged as categorically and universally binding. To principles of this sort Kant gives the name of categorical imperatives.

Kant distinguishes two kinds of imperatives, viz., the categorical and the hypothetical. Hypothetical imperatives are conditional and derivative. Thus if I refrain from stealing because I believe that stealing tends to disrupt the orderliness of civilized society I may be said to obey a hypothetical imperative. If the value to be preserved is that of orderly social life and if necessarily theft destroys that value, then theft is wrong. If, on the other hand, I refrain from stealing because I believe that theft is wrong no matter what the consequences, I may be said to obey a categorical imperative. In short, a hypothetical imperative would be this: If theft has unfortunate consequences it is wrong; and a categorical imperative, this: Theft is always and everywhere wrong. According to Kant a hypothetical imperative can never be universal. His reasoning is this. Hypothetical imperatives are ultimately based upon desires. Since, however, desire is independent of rationality there is no guarantee that all men will have the same desires and will recognize, therefore, the same hypothetical imperatives. Some churchmen, for example, desire to preserve the social prestige of some particular institution and its organizational machinery; hence for them peace at any price will be imperative. Others equally rational desire sound

doctrine, and for them peace at any price is not worth having.¹⁾ Again, some men desire an efficient government; for them the sacrifice of some democratic customs may, therefore, become imperative. Others equally rational desire the retention of certain civil liberties, and for them the price of efficiency may be too high. Hypothetical imperatives, in other words, do not have the same force with all men. Apparently, therefore, an imperative to be universally acceptable must be unconditional, that is, acceptable on its own merits. Kant's question, therefore, is this: What are the characteristics of a moral imperative acceptable on its own merits to all rational beings? In answer he proposes three propositions, supposedly the fundamental principles of all moral actions: (a) An act which I propose to do is right if I can will without contradiction that it be made a universal law; (b) all rational beings, including myself, should be regarded as ends in themselves, and never as means; and (c) to be of moral value a principle of conduct must be self-imposed.²⁾

(a)

The principle that we should always so act that we can without contradiction will our act to be made a universal law is open to two interpretations. We may regard it as a positive principle from which all moral acts must be derived; or we may regard it as a negative standard to be used as a test of proposed moral acts. The majority of critics seem to have regarded the former interpretation as correctly representing Kant's meaning. They have thereupon criticized it somewhat as follows. Either the proposition means that we should so act as we might wish anybody to act who happened to find

1) Some may wish to qualify this last statement. As a rule liberal churchmen do not carry their "liberalism" to the extreme of admitting the rationality of the conservatives.

2) Kant believed these propositions to be logically equivalent.

himself in our circumstances; or it means that we should always so act as we might wish anybody to act irrespective of circumstances. If it means the former, it is quite useless as a guide to moral conduct since no other person's circumstances will ever duplicate mine, and therefore my act can never be a precedent for others; and if it means the latter, we seem to have a principle of moral conduct which will apparently justify all kinds of absurdities.¹⁾

The argument, that because no one will ever find himself in precisely my circumstances and that therefore no one can use my act as a precedent, is slightly academic and points to a difficulty predominantly practical. It is, of course, pretty certain that no other person will ever exactly duplicate my position. No one else will have the same congenital peculiarities, the same temperament, the same education, the same temptations, and all the host of other things that go into the making of my particular circumstances. The supposition, on the other hand, that my act can serve as a precedent only for those who must make moral decisions in exactly the same circumstances in which I made them, is quite unnecessary. Although no other case can be exactly like mine, any number of cases may be analogous to mine; and, although in practical life the learning and sober detachment of a court are not infrequently necessary to determine whether a given case is within the construction of some precedent or other, we can and do reason from analogy and decide issues on the basis of precedent. Our results may not be perfect, but we have our choice between precedent and nothing. Now an argument from analogy hardly demands the absolute identity of two or more cases. Situations and circumstances may be fundamentally alike without being absolutely identical; otherwise, the application of law would be quite impossible.

¹⁾ Convincing examples may be found in Professor E. F. Carritt's invaluable little book, *The Theory of Morals*, p. 79. London, 1928.

The real weakness here is quite different, and it is this. Assuming that circumstances would ever be the same for two people, the principle would still be useless as a guide to moral conduct. If to the question, Why ought a person in given circumstances act thus and so? the answer is that he ought to do this because everybody in the same circumstances ought to do it, that obviously will not tell us very much. If I ought to do a thing because everybody ought to do it, it still remains to be explained why everybody ought to do it.

Kant tried to clarify the principle of universality by applying it to four recognized vices, viz., lying, suicide, idleness, and disregard of one's neighbor. The results are not convincing. Applying the principle to the vice of lying, Kant argues that lying is wrong because if everybody lied there would be no one to enjoy the advantages of lying since, obviously, everybody would disbelieve everybody else. Lying, in other words, is wrong because it leads to evil consequences, namely, inability to lie effectively. Did Kant mean to imply that the ability to lie effectively is better morally than the inability to do so? His answer to such a question would be that he was merely concerned to show that lying is ultimately self-defeating. But if lying is wrong merely because in practice it is self-defeating, morality seems to reduce to prudence, something altogether different from the "moral law within" which is supposed to have inspired Kant with awe. Applying the principle of universality to suicide, we get an argument slightly fantastic. To the question, Why is suicide wrong? the answer would have to be that if everybody killed himself there would be nobody left to kill himself. Kant avoided this spectacle by inventing an argument which at best retains only the most superficial appearance of a proof by contradiction.¹⁾ In

¹⁾ Briefly Kant's argument is this. For the purpose of self-preservation, we have an innate desire for happiness. In suicide this desire becomes the motive for self-destruction. Therefore, suicide is contradictory.

his discussion of idleness Kant appears to have forgotten the principle of universality altogether. He should have argued that if everybody were idle no one would be in a position to enjoy idleness. Instead he argued that if everybody were idle there would be no development of the human faculties. This is doubtless true, but the argument is an argument from consequences and not by proof of contradiction. Furthermore, the argument by proof of contradiction would in the case of idleness prove only that universal idleness is unwise, not that it is immoral. If all of us were idle all the time most of us would doubtless be poorer than we are now; but to be poor is not the same as to be bad. Granted, however, that universal idleness would lead to universal decline, that would hardly prove that the idleness of some would necessarily cause their moral decline. With respect to the disregard of one's neighbor, Kant practically admits that there is nothing contradictory about it. If everybody disregarded everybody else, we might or might not be worse off; and, if it could be shown that we would eventually be worse off, the argument would be from consequences and not by proof of contradiction.

The principle of universality is useless if we wish to discover what we ought to do; it is equally useless in many cases where we wish to know what we ought not to do. The reasons it gives for avoiding actions will move no one previously disposed to think them right. Thus if I think it right to become a physician, the fact that if everybody became a physician we should none of us make a living will not induce me to take up farming. The most that can be said for the principle of universality—if interpreted as the mainspring of all moral action—is that it is practically useful in making one more acutely aware of the immorality of a proposed action. Thus, if I wish to make myself more subjectively certain that I ought not to do something the morality of which seems to me to be doubtful, it might be well to ask myself how it would

look to me if my neighbors or, better still, my enemies did it.

If Kant's principle of universality is regarded as a fundamental principle of morality in the sense that the moral life can be deduced from it, such criticisms as the above are quite in order. Furthermore we may object — as is customarily objected — that the principle is purely formal and therefore empty. The mere idea of duty and its logical tests does not insure morality. Pure reason might motivate purely rational beings but it does not motivate men. Moral action, like all **action**, requires feeling and impulse; and it is at least naive to suppose that human beings will do what is right if only they know what is right.¹⁾ Reduce morality to reason and we seem to have something which, whatever it is, is not morality. Another customary objection is this. Inasmuch as Kant's fundamental test of morality is the test of consistency, he reduces morality to abstract reason: A wrong act is one that is ultimately self-defeating; a right act, one that is consistent. **The man who lies or steals or is envious of his neighbor is immoral because he is illogical.** In short, although Kant begins with the attempt to prove the uniqueness and irreducibility of the moral judgment, he ends by reducing morality to something more fundamental, viz., the law of non-contradiction.

These objections lose their cogency if we interpret the principle of universality as a negative standard. In that case the principle means nothing more than that morality is a matter of reason in the sense that an act good morally is also good logically; that is to say, rules of conduct must satisfy not only a moral but also a logical test, just as scientific judgments must satisfy both a factual and a logical test. Does the idea of duty generate morals? Kant might answer, No, and it is not necessary that it should; no more than the science of logic is expected to generate a philosophy of life should the theory of morals be expected to generate moral conduct; no more

¹⁾ This seems to be the assumption of some educational theorists, notably John Dewey.

than logic claims to produce philosophers does the theory of morals claim to produce saints. Reason merely states the minimum conditions in violation of which it is impossible to be either rational or moral. The idea of duty may possibly help to prevent evil; it is not supposed to produce good. In short, ethics is not supposed to be a substitute for morals.

(b)

A rational being, according to Kant, can be said to act morally only if his act is in accordance with the demands of duty. One of the principles at the basis of all duties is the principle that humanity, whether in my own person or in that of others, should be regarded as an end and never as a means. This principle is supposed to be the logical equivalent of the first principle, namely, that of universality and non-contradiction.

There seems, however, to be nothing contradictory in the use of others as means. Naturally no one likes to be "used"; but likes and dislikes are barred by the Kantian premises. If everyone considered merely as a rational being used everybody else, considered as rational beings, there is no reason to suppose that we should be living in a world less rational and more contradictory than the one we have now. And whether the world would be worse off morally than it is now would obviously depend upon the end for which others were used. Just who would get the worst of it would seem to be a matter of intelligence, something specifically advocated in Plato's *Republic*, where the use of others as a means does not seem to eliminate the virtues of wisdom, courage, justice, and temperance.

On our present level of civilization we seem to consider it entirely moral to treat not only ourselves but also others as

means. Self-sacrifice, whether in the form of patriotism, parental love, or professional fidelity, is usually commended in no uncertain terms. And in the case of quarantine we obviously treat some as means to the protection of others.¹⁾

The truth of the proposition that men should be treated as ends and not as means only is this. Every human being has a claim to certain considerations, and these must always be taken seriously. But to be taken seriously does not imply to be given full satisfaction. When, for example, the authorities find it necessary to expel a student from the university because they consider him an evil influence, it is doubtless wrong to treat him merely as an "influence." He has certain rights as a person. But although such rights should be seriously considered, they need not decide the nature of the action. Furthermore, the act of expulsion may be a means to the student's own betterment—it may be the only way of getting him to take stock of himself.

¹⁾ Kant might, of course, reply that in cases such as these the use of myself and others as means is only apparent. He might argue, for example, that in sacrificing myself for my country, I am in fact realizing myself and therefore regarding myself as an end. Again, it is of the essence of parenthood to sacrifice a lesser for a greater self. And the same might conceivably be said regarding the sacrifice of the physician or the scientist. And as for using others as means—the defense is a little more difficult, but it is possible. If we isolated a carrier of some disease and did nothing more it could indeed be said that he was being treated as a means only; and on Kant's premises this would have to be condemned. But we usually do more; we usually try to cure him or, at least, provide better conditions. We may separate him from others, but, on the other hand, we associate him with his kind; and it may be that in the kinship of suffering he is enabled to live more humanly than he could in case he continued to live among his more fortunate brethren, who would naturally be inclined to treat him at best as an inferior and at worst as a menace. Even the segregation of criminals, if wisely and morally done, may lead to their rehabilitation—at least there is nothing in the Kantian moral philosophy to prevent him from holding the reformatory conception of punishment.

(c)

The third fundamental principle of morality, namely, that all moral imperatives are self-imposed, should apparently be interpreted to mean that no act is moral if not done in accordance with a principle of conduct which is freely accepted. Interpreted in this way the principle is not peculiar to an ethics of the autonomic motive, such as the Kantian. Obviously I may freely accept the will of God, or tradition, or the wish and advice of another. Tradition, for example, is ruled out by the third principle only if I accept tradition solely for tradition's sake, or because anything else is simply "not done." Again, if I do the will of God merely because I desire to avoid punishment (if indeed that is doing the will of God), my acts can have no moral value. My acts, whether in accordance with tradition or the will of God or any other thing, will be moral only if I perform them because they seem to me to be also entirely in accordance with the moral law. Suppose, however, that I think a commandment of conscience entirely right just because it is the will of God? The answer is that this is not excluded by Kant's third principle of moral conduct. On the Kantian premise the third principle is, however, entirely superfluous. According to the Kantian teachings all rational beings will necessarily acknowledge the same categorical imperatives; consequently, rational legislation from without will coincide with that from within. In other words, whether from without or from within, moral legislation will be self-imposed.

Is there a rational connection between morality and happiness? The Kantian answer is, Yes and No. Yes, because the person who wills the good *deserves* happiness. No, because the goodness of an act is not determined by its profitableness, and the quest of happiness is not a function of the good will. Happiness is the test, not of the goodness of particular acts, but of the goodness of the universe.

This introduces Kant's theory of the *Summum Bonum*. Virtue unrewarded is and remains virtue, but a world in which unrewarded virtue is possible is at least imperfect and probably irrational. Of course, in such a world morality would still be possible, since the truly virtuous person does duty for duty's sake and not because there happens to be some cosmic connection between duty and happiness. The good man is not preoccupied with what he deserves, for it is no part of morality to be concerned with whether the universe is perfect. On the other hand, the worth of the universe depends precisely upon whether virtue is rewarded. And Kant believed that virtue must and would bring happiness, if not in this life, then in the life to come. As moral and rational beings we demand a world which shall recognize and give meaning to the moral life. In fact a world indifferent to moral values could hardly give rise to categorical imperatives without becoming essentially unintelligible. If the moral life is real, it presupposes the cosmic significance of moral principles; that is to say, my duty must have some relevance to the sort of creature I happen to be; but the sort of creature I happen to be must have something to do with the sort of world that has made my existence possible. A world in which there is no essential harmony between recognized goods, such as, for example, virtue and happiness, is not a world which we can understand. Either virtue deserves happiness or our world is fundamentally irrational. Finally, if the highest good derives its moral worth from the fact that virtue deserves happiness, the highest good (not the morality of an act) must include feeling and desire.

That our world is intelligible in the sense that it exhibits a harmony between recognized goods is at least partially verifiable. Usually an act motivated solely by the good will is also a beneficial act. The honest man, for example, will gain the confidence and good will of others; honesty, therefore, appears to have favorable auspices, and dishonesty, corre-

spondingly unfavorable. Honesty, in other words, would appear to be something integral to the real nature of things — at least the confidence and good will of others is recognized by all, irrespective of their philosophy of life, as a good. Now any act or attitude of mind resulting in a state of affairs universally regarded as good must in the nature of things be a good act or attitude. Again, health is something which by the authority of human nature we feel ought to be. Suppose now that we can find a moral *ought* corresponding to the *ought* of health, such as, for example, the *ought* of temperance — in that case we shall have discovered a fundamental agreement between two aspects of our nature, and the one *ought* will be a verification of the other. Now it is precisely because of such verifications that we cannot conceive of some acts as anything but wrong, and others, as anything but right. Can we any longer doubt that the moral law is objectively real and that its authority is absolute?

Is the conflict between desire and the sense of duty essential to morality? Here, once more, Kant is open to two interpretations. Is morality (1) identical with the motive of duty or is it (2) inclusive of other motives? If the former, Kant's conception of a moral act appears to be somewhat arbitrary. If my act is moral only whenever I do something simply because it is my duty, then apparently some of my acts will fall below the requirements of morality and others will rise above them. If morality consists solely in the doing of a thing from a sense of duty, then if I fail to do my duty because of its unpleasantness I shall, by definition, be immoral; if I do my duty despite its unpleasantness I shall, by definition, be moral; if I do my duty and co-incidentally enjoy it I shall be not only moral but also rather fortunate; and if, finally, I do my duty joyfully because I have trained myself to like it because it is my duty I must, by definition, be more than merely moral.

On the other hand, Kant is not committed to the view that my act is moral only if I perform it from a sense of duty although I should otherwise prefer not to do it. His position does not necessarily imply that morality is confined to acts which we do not want to do; all it implies is that my act would have no moral value if I did what I liked, even though it happened to correspond to my duty, *merely* because I liked it. I may occasionally have a double motive for doing something without jeopardizing the morality of my act. For example, my attitude may be such that, although the immediate motive to action is the prospect of benefits to be received, were this motive lacking I should nevertheless perform the same act on principle. And in cases such as this the presence and nature of the more immediate motive can hardly be said to corrupt the morality of my act.

Is the conflict between inclination and duty fundamental to the moral attitude? At least we can all agree with Kant on this: To be proof against temptation — and we are apparently never tempted by principles — is a sign of trustworthiness; and that this is an important part of moral conduct would seem to require no demonstration. An act in which the sense of duty overrules desire is doubtless a moral act. To help a man I should prefer not to help because of a reverence for the moral law is an act of a sort obviously different from that in which I help him merely because if I did not I might have difficulty in getting to sleep.

The Kantian doctrine that nothing is good without qualification save the good will does not impress us today as particularly self-evident — unless by the good will be meant something that includes a specific content or purpose. Where the aim is not specific the act must depend upon extraneous circumstances; and, if a man decided to do his duty in general, just what he would do would be largely a matter of chance. Now an act the specific character of which is largely

a matter of chance can hardly be called moral; in fact, the less specific our purposes the more nearly do we approach imbecility. Thus a man who wills to assault a particular person is probably normal; whereas the man who wishes to commit assault and battery in general is probably not. On the other hand, where the so-called good will is specific the only thing *universally* good about it will be the factor of subjective rectitude. The only thing without qualification good, then, would be the conscientious will. In that case, however, there may conceivably be several good wills quite at variance with respect to their ultimate valuations, and the statement, that only the good will is good, will have lost practically all significance. Although subjective rectitude is an indispensable condition of morality, it is not enough. Well meaning but ignorant people we do not without qualification condemn; neither do we without qualification respect them. A devotion perverted and narrow and a loyalty that dwarfs human life — these we must in the end condemn.

The content of the moral demand is not confined to the truism that duty demands performance only for the sake of duty. Duty no doubt is unconditional; so is logic. But to say that I must obey the call of duty is about as significant as to say that I must be true to myself. What is my duty, and what is the nature of the self to which I ought to be true? Here Kant leaves us pretty much in the air. And the reason for this is not hard to see. Any ethics of the autonomic motive must inevitably separate the moral life from the rest of reality;¹⁾ the moral life, therefore, becomes a thing apart, without relevance to the concrete facts of life. Kant, of course, assumed the naturalness of Pietistic morality, having retained the moral principles imbedded in his early training, and forgotten the peculiar view of life upon which they were

¹⁾ Relative to the doctrine of the *Summum Bonum* the doctrine of the autonomic motive is, of course, an inconsistency.

based. No longer impressed by the Pietistic vision of the good life but convinced of the fundamental rightness of the morality it implied, he naturally turned to the preaching of *duty*. Duty to what? Duty, not to God, but to human nature, which had written upon its heart the commandments of a "natural morality" discerned by the "light of reason."

The moral life presupposes a scale of values, which in turn presupposes something to be valued; this means that the moral life has a reference to something which, whatever it is, is much more than the mere consciousness that it is my duty to do my duty. Naturally, having honestly and intelligently decided just what my duty in a given instance is, I ought to act from a motive which at least includes the motive of duty. However, the act of making up my mind will involve a good deal more than the consideration that I ought to do my duty.¹⁾ An abstract law of conduct to be obeyed for its own sake, is quite worthless. Man was not made for rules of conduct but for the achievement of a kind of human life; it, and not the law, is the locus of values. That which is good in itself is something of another and more complex order than the good will or a system of imperatives. I must first recognize the excellence of an ideal of life before there can be any content to the concept of duty. Thus it is my duty to keep a contract if the keeping of it is not detrimental to civilized existence. This, however, presupposes that I have a fairly clear vision of what it means to be civilized. It is my duty to respect the property of my neighbor, irrespective of how much he may have, not because the claim to the exclusive use of goods has a peculiar moral sanctity, but because it is fundamental to what we in the West have been taught to regard as a superior kind of life. Our ideals may, of course, be mistaken, but the point is that our recognized duties in this respect flow teleo-

¹⁾ Kant inconsistently admits this in his attempt to establish the peculiar duties of a *rational being*.

logically from a peculiar vision of the good life. And if the realization of the vision is not good in itself, nothing else can be.

The Kantian rigorism is definitely at variance with the facts when it implies that man has categorical imperatives as naturally as he has ten fingers; that there is no reason for them except the brute fact that they exist as a part of the rational consciousness; that they have an immediate and absolute authority which is independent of anything else in the world; and that, human nature being what it is, the imperatives we now recognize would have the same inherent reasonableness and authority no matter what sort of a world we happened to live in. Furthermore, the Kantian motto is, Do good for the sake of the law, or, Do your duty for the sake of duty. Now it is very doubtful that the morality of virtue for virtue's sake measures up to human morality at its best. The genuinely honest person, for example, is honest not for honesty's sake but in order that others may know the truth. Likewise the generous man is generous, not for the sake of generosity, but in order that others may be benefitted. Remove from morality the primacy of the other-regarding attitude, and it reduces either to a form of self-seeking or to an exercise of æsthetic taste. Thus the person who is virtuous for virtue's sake rather than for the sake of his neighbor is probably interested in feeling virtuous. Now the enjoyment we get from feeling virtuous is manifestly different from the enjoyment we get out of eating, drinking, and making merry, but it is doubtful that we could call it better or higher. At least it would not be generally admitted even today that the self-righteousness of the Pharisee is better than the greed of the publican. On the other hand, the person who cultivates honesty because he admires the appearance of an honest man rather than because he enjoys feeling virtuous, more nearly approximates the truly moral attitude. Yet, although he certainly shows good taste,

he is something less than genuinely honest. The genuinely honest man is first of all interested in the truth, not in the pleasing appearance made by honest men. Likewise a really generous person is motivated primarily by a regard for others rather than by an æsthetic regard for a beautiful impression.

Then there is the idea that virtue is its own reward. We need not discuss this at length. The statement, if taken literally, is quite meaningless. Honesty is no more its own reward than theft is its own punishment. If not taken literally, the statement either means that the virtuous man will be rewarded by feeling virtuous, or that he will be rewarded by means of a peculiar satisfaction to his æsthetic sense. Neither of these, as we have seen, has anything to do with morality.

3.

Since, according to Kant, the moral law has about it the same sort of inevitableness as the categories and the forms of sensibility, conscience must somehow partake of infallibility. Accordingly he tells us that duty is clearer and more certain than prudence.¹⁾

Here evidently, theory is somewhat at variance with the facts. Situations conceivably may and in fact sometimes do arise in which duty is by no means clear, and in which certainly no general rule or maxim is able conveniently to settle things. May I save myself from serious financial loss by conveniently overlooking a technicality in a contract? May a clergyman continue to accept a salary from a church the creed of which he does not in one or two minor particulars accept? May a physician in order to relieve a patient of intolerable pain administer a drug which is certain to shorten the latter's life by a day or two? Should a young man keep his promise to marry notwithstanding he has reasons to believe that to do

¹⁾ *Critique of Practical Reason*, Book I, Chapter 1.

so would be a mistake? Is a child in duty bound to support a shiftless parent? Is a motorist justified in running down and probably killing a child in order to avoid a wreck which may cost the lives of several adults? Questions such as these, if not subject to endless casuistry, can at least not be settled by a general formula.

Regarding the supposed infallibility of conscience, we can only repeat what everybody already knows. A man's conscience is as infallible as his training and his power and inclination to reflect (things we can call infallible only if we happen to share Pope's peculiar belief that "whatever is is right"). Kant believed that the imperatives of conscience were clothed with the authority of human nature as developed in its moral character by a rational civilization. Unfortunately just what sort of rationality a civilization must have in order truly to develop man's moral nature, is a question to which there can be only a dogmatic answer. Despite many more or less superficial similarities, men's consciences exhibit profound qualitative differences, and it is only with respect to *form* that there can be said to be anything like a fundamental sameness. All conscience, irrespective of content, presupposes a will other and higher than our own which has final judgment. This higher will may be thought of as the will of nature (whatever that means), or as the will of society (parents, public opinion, the courts, and so on), or as the will of God.

The final court of appeal for those who reject the religious interpretation of this higher will is the so-called "judgment of history." The authority of the moral law, in other words, is the authority of the experience of the race. Thus, according to Sidgwick, moral law is imperfect and apparently without intrinsic rationality; yet, because it is more than mere convention and because it is a "wonderful product of nature," a "delicate mechanism of means adapted to ends" without which civilization and human happiness would be impossible, it is

pre-eminently worthy of our reverence. The judgment of history is simply the fact of the evolution of the civilized conscience. The origin of moral conscience is the consciousness of custom. In the course of racial development individual differences arise; the individual begins to reflect upon his social heritage; and, if he happens to be an unusually intelligent individual, he will get ideas. Sooner or later, therefore, depending upon the strength of his will, he will find himself openly in opposition to custom. History thus reaches a climax in the form of a war between the new revelation and the authority of custom. Whether the new revelation will survive is apparently a matter of chance. Paulsen, in common with most secular moralists, accepts the idea of inevitable progress; consequently, the new revelation, if containing good, must survive. In short, the history of the race is the history of a progress from worse to better, and contemporary morality is robed with the authority of the inevitable. "Die Weltgeschichte ist das Weltgericht." Moral values, therefore, are derived from the facts of the present and require no Divine revelation or a world beyond this one. No life hereafter can possibly modify our duties here and now, since whatever is truly advantageous for this life cannot be at variance with the standards of a life beyond. And to say that this act is right because God requires it, and that, wrong because He forbids it, is arbitrary. There are things which by reason of the inevitableness of human moral evolution must be regarded as in themselves wrong, and if God is a moral being He must forbid them. And should He fail to do so, that fact would not make them right.

The religious or, better, the theistic interpretation of conscience and the authority of the moral law is based upon the conception of God as the source of all righteousness and justice, and of man as a creature made in His image, in consequence of which the recognized moral sanctions are integral

to human nature. Fundamentally the history of the race is a process in which God retrieves human nature from the debris of man's fall. Reflective morality points to man's original moral endowment. From the point of view of theism, therefore, it will make no difference whether we say that acts are right because God requires them, or whether we say that God requires them because they are right. For, if God requires a thing because it is right, it must be right because He has ordained the universe in such a way that that thing in fact is right; it is right, therefore, because He commands it. For theism, therefore, the authority of the moral law is the very nature of the godhead itself, and derivatively the very nature and consistency of man and the world which he inhabits. Consequently, from the point of view of theism the issues of this life are not confined to the here and the now; the implications of human conduct transcend the natural and social environments. And, inasmuch as man's final destiny and self-realization is the peace and fellowship of God, whatever from the secular point of view is good for this life may not in the end be good at all. In the last analysis, what is good for this life depends entirely upon what one thinks of this life. In short, it is clear that theism generates a morality not at all identical with the secular, superficial appearances to the contrary notwithstanding.

Despite appearances fundamental differences remain. That the secular and theistic interpretations of conscience and the moral law generate diverse moralities seems obvious when we consider, for example, such a recognized virtue as that of humility. We today all believe, of course, that the humble man is superior to the proud and vindictive. But are we ready to subscribe to anything like this: "In the sight of God — or, if you prefer, in the light of human ignorance and stupidity — the difference between the savant and the cobbler is not significant; therefore, the important thing about a scien-

tist sufficiently great to be modest is not his scholarship but his modesty. Furthermore, the humility of the cobbler is quite as important in the sight of God — and therefore ought to be quite as important in the sight of men — as that of the savant"? Yet it is upon prepossessions such as this, that one of the most influential of historical moralities is based.

Do moral imperatives permit of exceptions? Kant's answer would be an unqualified negative; uniformity is quite as essential to moral law as it is to physical law. Admit exceptions to a moral law, and evidently it is no longer a moral law but only something which we thought was a moral law.

Here Kant once more states part of the truth. Naturally, if corresponding to a given situation there exists but one way of reacting morally, to react in any other way must be immoral; and in this sense, of course, moral imperatives admit of no exceptions. However, on Kantian presuppositions, this at once raises a question. How, i. e., by what formula, are we to know the particular imperative that will correspond to a particular situation? To tell the truth is, according to Kant, categorically imperative; so is the saving of a human life. Suppose now a situation in which one is able to save the lives of innocent men in no other way than by a falsehood, but that by so doing one indirectly endangers the lives of others equally innocent: What in the language of Kant would be the imperative here? If the answer be that it is always wrong to state an untruth irrespective of consequences, and therefore in this case irrespective of the number of lives at stake, the moral life is evidently shorn of nine-tenths of its responsibility.

Of course, duties do not, as in the case of physical tendencies, counteract and produce a resultant except, possibly, in the case of compromise. Duties may occasionally be opposed in such a way that compromise is impossible and one is simply compelled to follow the one to the exclusion of the other; and the problem, as to which must be obeyed and which ignored,

is not solved by the principle that one should always do one's duty. In a given situation I may be able to identify several duties-in-general, and it is surely no shouldering of moral responsibility to take one of them at random and call it my duty. Duties do not come to us as duties-in-general, since duties have no meaning except in relation to particular situations. And if, relative to a given situation, there appears to be a deadlock between two moral principles, morality dictates a choice on the basis of a scale of values, so that if the value represented by one principle exceeds that represented by the other, if but one of them can be realized, the principle representing the lesser value apparently loses its immediate authority. The point is that the question of priority cannot be settled by a formula, since one's scale of values is determined by one's philosophy of life.

Does a moral imperative permit of exceptions? No, if by an exception be meant that my duty relative to a particular set of circumstances may sometimes be ignored. Yes, if by an exception be meant that one duty-in-general must occasionally be subordinated to another. Thus my duty-in-general to speak the truth may sometimes be abrogated in favor of my duty-in-general to preserve life. In other words, uniformity is essential to morality provided the uniformity is not of the sort that removes from the moral life its responsibility. Nevertheless the fact remains that to perform one duty at the expense of another is to make exceptions, and herein lies a danger. Not all moral situations are quite as simple as the choice between speaking the truth and saving the lives of the innocent. Take for example this question: Just how corrupt must the political and social order be to justify revolution by violence? A question such as this is not usually decided by moral reason but by passion, and the reasons for this are obvious: As a rule armed rebellion is an evil. We do not know, nor can we always control, the consequences; we only know that the immediate

result is destruction of the social order and the authority of the law. Opposed to this, and therefore complicating the problem, is the consideration that a peace harboring social and political corruption may not be worth having, and that if society is beyond peaceful repair, violence may be the only way out. On the other hand, although it may be perfectly justifiable to sacrifice my own life in the interests of justice and social cleanliness, am I justified in jeopardizing the lives of others? Stability and law and decency are important; yet they must remain subordinate to human good.

To any genuine moral imperative there are and can be no exceptions; my duty relative to a given situation comes with an unconditional demand. This will not be particularly hard to accept if we realize that the moral law is not essentially a set of rules but rather a peculiar attitude, whether toward God or toward our fellowmen. Naturally this attitude becomes increasingly definite in formulation as the race increases in an understanding of itself and the purpose of its existence. Nevertheless, at the basis of duties, however specifically formulated, there must be at least an honest concern for the good of one's fellows. Of course, just what the nature of that good is, the "science" of ethics cannot settle — if indeed it can be settled at all except dogmatically.

We may, therefore, distinguish between the moral law and specific rules under the law, i. e., duties-in-general. With respect to the latter there seems to be a certain amount of agreement among civilized peoples; with respect to the former, however, there is a remarkable divergence of opinion. Assuming the validity of the distinction between the moral law and duties-in-general it seems reasonable to hold that to the former there can be no exceptions, but that to the latter there may be. Hence the rule of exceptions to duties-in-general would be this: Exceptions are permissible if their intent is clearly in harmony with that of the rule and if they will ap-

parently serve the intent of the rule better than will the rule. For example,¹⁾ the end of military subordination is the safety of the state. But there may arise conditions such that deliberate insubordination rather than obedience will achieve the desired end. Obviously in cases such as this only a rigorist of the most mechanical sort would say that insubordination is unconditionally wrong. Of course, the burden of proof is always upon him who dares to make the exception, and where there is any doubt the rule has undoubted priority. Furthermore, whenever the exception is conscientiously acted upon and proves to be mistaken, the individual, although cleared before the tribunal of his own conscience, is guilty before that of the constituted authorities. This is necessary in order, among other things, to insure that the individual making exceptions shall actually shoulder the burden of proof. Needless to say, the rule of exceptions is by no means fool-proof; in fact, its potentialities for harm are so enormously great that it can safely be invoked only by the angels.

Kant's assertion that we are more certain of duty than of the way of prudence contains an important truth. We can, of course, invent any number of hypothetical situations in which it is almost impossible to determine one's duty; nevertheless, in practical life situations of this sort rarely occur. The number of persons who even once in a lifetime face the dilemma of either being dishonest or sacrificing the lives of the innocent is surely not impressive. Furthermore, situations in which positive values must be sacrificed usually result from the negligence and moral indifference of the very persons concerned. He who must choose between killing a child or seriously endangering the lives of a number of adults usually has his own negligence and lack of scruples to blame. And the man who must choose between keeping his promise or entering upon an unfortunate marriage is not usually an innocent vic-

¹⁾ This is a digest of an example in Paulsen's *System of Ethics*.

tim of the caprice of the gods. In the ordinary course of our lives we find little difficulty in knowing what our duties are. And those who do experience difficulty in this respect are not infrequently the kind who have lost the habit of giving conscience a chance. Here, as everywhere, practice, although not making for perfection, does make for improvement. It is exceedingly doubtful that an honest man is ever called upon to be dishonest in the interest of a "higher value." Most dishonesty is perpetrated by persons not particularly noted for their zeal in behalf of the "elevated things" of life. And those who really wish to preserve the "lower" virtues, such as common honesty and thrift and a decent regard for their neighbors, will not usually find themselves obstructed by "higher values." The honest man who is called upon to save a life will usually be able to do so without necessarily becoming dishonest.

The making of exceptions to duties-in-general, although safe only in the hands of angels, is mostly done by those who have a devil. The rule of exceptions will continue to be a popular tool with the hypocrites. The main struggle of the moral life is not the difficulty of knowing what our duties are, but the difficulty of doing what we know to be our duty. Those customarily in doubt about what they ought to do usually have a skeleton to hide. At least when it comes to being forced to choose between a "higher" and a "lower" value, our politicians, whether in government, finance, or education, are probably among the most experienced. He who has acquired the habit of being honest with himself and with others will know that the dilemmas invented by moral theorists are not strikingly true of real life. This is, of course, not to say that it is impossible for genuine moral dilemmas to arise in the lives of honest men. But whenever they do arise they rarely take the form of a necessary choice between mutually exclusive positive moral values.

Can a man do more than his duty? Obviously this is a matter of the definition of terms. If the word duty means conduct in accordance with the demands of moral custom, then some men have clearly done more than their duty. Moral custom does not demand heroism or extreme self-sacrifice. If, in order to save a life, I have done everything possible short of actually imperiling my own, no one is likely to accuse me of moral turpitude. If, on the other hand, following Kant, we conceive of duty as inherently endless then obviously no man can ever do his duty, to say nothing of doing more. If the demand of duty is perfection, we are all unprofitable servants. And if, finally, we believe that any man's duty at any time is a function of his endowment and his particular circumstances, then it may be the duty of some to be heroic and of others to be merely harmless.

The first two views of the nature of duty are possible; that is to say, they exhibit no inner contradiction, and which of them we make our own will be wholly a matter of convenience. The last view, that our duties depend upon endowment and circumstances, is untenable. Thus if an individual has acted heroically we must, according to this view, assume that his endowment and circumstances were such as to make this act his duty. We must, therefore, assume the same thing in case an individual is merely well behaved. What then shall prevent us from conveniently assuming it whenever a person falls somewhat below the accepted norms of decency? In other words, if this view is taken seriously, everybody apparently does his duty—at least it will be quite impossible to show that some do not. And it is obvious that the word duty has lost all real significance. Furthermore, just what quality of conduct is to be the standard in a civilized society will have to be determined by methods which to many must seem arbitrary. The result will be that justice will give way to sentimentality. Cowardice will be excused on the ground of con-

genital timidity, and violence, on the ground of an unfortunate native excitability. Should we, on the other hand, enforce a definite standard of behavior, we should evidently be compelled to discount in many cases the factor of natural endowment; in consequence of which some individuals would have to be coerced into doing more than their duty.

The moral imperatives, we are told, must be rooted in the permanent needs of human nature. This is perfectly true, but it does not say much. What are the permanent needs of human nature? Here we may as well be reminded that any moral standard contains unavoidably an element of dogmatism. The starting point of a moral argument is not a set of self-evident and generally accepted postulates. The starting point is always some community of outlook, interests, and feelings. Morality, like religion, begins with a vision of the good life and as such is a matter of beliefs and attitudes which are neither self-evidently right nor self-evidently wrong. In the last analysis, morality is not so much the doing of something as the doing of it from a motive, whether that be the love of God, or of my neighbor, or of "humanity."

No vision of the good life can be proved as that which alone does full justice to human nature. From the earth-satisfied point of view of the Greek, Christianity must have appeared rather unnatural; and from the supernatural point of view of the Christian, the life of the Greek must have seemed at best incomplete and, at worst, profane. The ideal of temperance is one thing, that of holiness and the complete eradication of sin, quite another. What to the Greek appeared as obviously the natural life of man must to the early Christian have been at best a very meager development of man's real potentialities. On the other hand, the Christian insistence upon the consciousness of sin and the divine demand of perfection must have appeared to the genuine Greek as a morbid and perverted sense of values. For the Christian not courage but complete assur-

ance and confidence, not temperance but a passion for righteousness, not justice but love and holiness, not the wisdom of this world but the fear of the Lord, were supremely worthy of cultivation. Of course, love, holiness, and the fear of the Lord might include wisdom, courage, and justice, but these cardinal pagan virtues would obviously have a secondary significance in the Christian scale of values.

Obviously the Greek and the Roman would have no taste for a moral idealism and the prospect of a social order in which man's natural inclination to exercise dominion over others would be so incredibly under-rated. The noble Roman might reconcile himself to the idea of a benevolent despotism, but the Christian dogma that he who would be the greatest should be the servant of all must to him have seemed altogether irrational. The Greek prized temperance and courage because these were the marks of a personality upon which Greek idealism — and occasionally Greek society — placed a premium; the Christian praised charity and holiness because these were the signs of the presence of God.

Human nature is apparently such that it is capable of assimilating either of these points of view, however stupendous their difference. Which of the two is more rational can obviously not be settled by moral theorizing. There is a sense in which morality, like the sense of the æsthetic, is a matter of training and taste — although, like the æsthetic, it is more than *mere* taste. Men can be educated to a morality in which the highest reaches of virtue are represented by wisdom and justice; they can also be trained to a morality dominated by the sense of humility and responsibility to God. Superficially the two do not seem far apart, and occasionally they appear to be simply two aspects of the same personality. Neverthe-

less, the wisdom and justice of the man dominated by the consciousness of ultimate responsibility to God will not be the wisdom and justice of the Greek. Here we simply face two radically diverse outlooks, two opposing sets of interests and feelings, and no amount of disputation can settle the question as to which in fact better expresses the *permanent* needs of human nature.

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CHAPTER V

THE SURVIVAL THEORY OF MORALS

1.

IN considering the application of the idea of evolution to morals we have, of course, no immediate concern with contemporary modifications of Darwinism in biology. Evolutionism in ethics is today essentially what it was in the days of the mid-Victorians. However, a curious feature of the contemporary literature is the prevalence of such terms as "refined," "incredibly complex," "subtle," and so on, evident signs of an attempt to get away from mechanism "in the old fashioned sense." Contemporary biological moralists do not like to be called materialists. Of the many attempts to base ethics upon biology perhaps the most significant in the English speaking world are those of Herbert Spencer, in his *Data of Ethics*, and Charles Darwin, in the fourth chapter of the *Descent of Man*.¹⁾ Later attempts show certain refinements, but

¹⁾ Huxley is not a biological moralist. In his lecture, *Evolution and Ethics*, delivered at Oxford in 1893, he tells us that the facts of nature (the "cosmic process") and the facts of the moral life (the "ethical process") are diametrically opposed. Plants, animals, and primitive man constitute a complete denial of all moral principles. We find in nature only struggle, suffering, fear, and "the rule of beak and claw."

The objection to this lecture of Huxley's is that it offers no good reason why the ethical process should begin at all. If human society is the product of natural causes, which presumably embody only unqualified evil, the emergence of the ethical process appears to be something miraculous, or at least supernatural. From the premises of Huxley's lecture the noted Catholic evolutionist, George Mivart, drew the inevitable conclusion. Either moral conceptions are evolved from the instincts and habits of social animals or they must be presumed to have their origin outside the natural order. And inasmuch as Huxley had denied the former, Mivart concluded that he had by implication asserted the latter. Whereupon Huxley published his lecture with an appended note to the effect that the ethical process is a part of the natural process after all. Although accompanied in its published form by a barrage of qualifying notes, the lecture was never rewritten.

their spirit and fundamental import are the same. All identify moral good with such things as biological adjustment, the "health of the social tissue," social efficiency, "social equilibrium," and so on; and all consider welfare to be the ultimate standard of all value. The *ought* of evolutionistic ethics is the ought of prudence: Follow nature but take care of your health. The fundamental drive of life is the preservation and continuance of the species; whatever interferes with that is wrong, and whatever promotes it is right. A man *ought* to be concerned about his health because the species *ought* to be preserved.

The logic of evolutionistic ethics appears upon first reading to be not only simple but also sound. What could be more in accord with sound thinking than the position that we should first obtain as much scientific knowledge as possible about man and his place in nature before we try to settle the question as to how he ought to act? Once we know man's place in the world and the purpose of his existence we may be able to decide what is good for him and what is detrimental. We must know his station before we can prescribe his duties. In fact, might it not be that once having obtained scientific knowledge of the laws and conditions of man's natural existence we shall be in a position to improve him, and by breeding and by scientific training do for the human race what we have succeeded in doing for horses and grapefruit? There is no reason why ethics should not be in a class with, say, medicine; guarding the morals of the race would be in a category with guarding its health. Morality would then be a simple matter of information and prudence, something not altogether different from, say, intelligent politics. Furthermore, ethics as a study of man in terms of nature would have a scientific basis; it would, therefore, make progress with the rest of the natural sciences, since the more we should learn about biology and chemistry the better we should understand the fundamental

facts of human nature. Ethical standards, consequently, would be seen to be embedded in the very nature of things; and, inasmuch as the best way to understand the nature of things is by using the "scientific method," ethics would sooner or later take its place among the other systems of exact knowledge.

Of course, the statement that ethics is something with an origin and a history and that, consequently, it is not today what it used to be, is not a new revelation. Any one conversant with elementary history knows this and believes it. The history of any culture shows at least three stages, viz., custom (*mores*), codified law, and reflective morality; and the realization that the third stage is not exactly like the first seems hardly to require a belief in evolutionistic ethics. What then distinguishes evolutionism from other types of ethical theory in the interpretation of this obvious fact? Simply the belief that morals and their development can be fully explained in terms of the biological survival of the group.

At first glance one would suppose the evolutionary principle to lead to egoism pure and simple — the "struggle for existence" would seem to sanction the principle of everybody for himself. Nothing, according to the evolutionists, could be more mistaken. Originally men lived in tribes, which were constantly at war. Obviously that tribe would have the best chance of survival which in the end proved to be the strongest. Now — and this is the point — the relative strength of a tribe would largely depend upon the self-sacrifice, obedience, loyalty, and courage of the individual members. The struggle for existence, therefore, would tend to encourage the altruistic virtues quite as naturally as the egoistic. Morality, in other words, would consist of that balance of altruistic and egoistic impulses which would tend to render the tribe perfectly adjusted to its environment. And, once this state of things came to pass, life would be sufficiently static to enable us to

talk about human conduct quite as scientifically as we now talk about motors and chemical reactions.

It is today generally recognized by philosophers, evolutionistic or otherwise, that the expression "survival of the fittest" really means not much more than that the survivors have survived. That this proposition is not ethically significant would seem to require no demonstration. Thus the claws of a tiger doubtless help him to survive, but it is not obvious that the possession of claws has anything to do with morality. Generally speaking, even though we could show a correlation between the biologically useful and the morally good (which in fact we cannot), nothing would be proved. Furthermore, the specific end of biological evolution is the survival of the species, and that is not necessarily a moral good. Pigs and potatoes will probably continue as long as the human race, but one would hardly invest that fact with ethical significance. The ethical question is not, How long will the race continue? but rather, What, while it continues, is it worth?

This is not, of course, to deny that ethical ideals and moral conduct may possibly have something to do with physical health. The drunkard does not, as a rule, live to a ripe and blessed old age; and his offspring frequently, if not usually, must engage life under a physical handicap. We are, therefore, in a position to prove from biology that certain habits and practices are, to say the least, unwise. That, of course, does not prove them immoral, but it is nevertheless a fact that in some cases the moral judgment of the race and its biological findings coincide. On the other hand, there appear to be any number of cases where the two do not coincide. A man may be a thief or a liar or an occasional adulterer without apparently infringing upon his own biological efficiency or that of his children. Anyway, the fact that some acts which we call immoral happen to be bad for the health of the race does not support the inference that therefore health and longevity are

the chief ends of the moral life. Of course, it is rather natural for us to imagine a kind of world in which the most moral would also be the healthiest, but that is, unfortunately, not the sort of world we are living in; and, the faith of Spencer and his disciples to the contrary notwithstanding, there are no good grounds for believing that in our world this will ever be the case. The common failing of most evolutionistic moral speculators seems to be their tendency to reason from a doubtful past to an imaginary future. The Elysian Fields of the evolutionary process hardly give us adequate motives for present action. Some fine day all good deeds may be their own reward, but it is rather obvious that they are not so now. However, it is the present which we have to explain and with reference to which we must guide our conduct.

2.

Darwin introduces his discussion of ethics by announcing that he is about to do something not heretofore attempted in the English speaking world, and that is to explain morality in terms of the feeling of sociality, something found in the lower animals as well as in man. Given ordinary animal social instincts plus such intellectual powers as we find in man, and the emergence of "moral sense" is absolutely certain. Morality, in other words, has no supernatural origin and no transcendental implications; a rat would be just as moral as most men if he had their intelligence. Man has also another advantage over the lower animals and that is the capacity for language. This enables the community to give expression to public opinion the weight of which soon forced man into the habit of acting for the public good.

Darwin has some interesting things to say about the "morality" of animals. Animals, it seems, are given to the love of society and, like human beings, seem to sympathize

with one another's bad luck rather than with one another's pleasures. In fact the difference between man's moral endowments and that of the animals is a matter of degrees only. That man does not understand the morality of bees is simply due to the fact that the lines of development of men and bees seem to have diverged at an early period in animal evolution. Furthermore, although the contemporary Englishman may not understand the moral code according to which the worker-bees feel justified in killing the drones, neither does he understand the morality which justifies cannibalism and suttee. Nor should we forget that the so-called civilized codes of morality are always extremely variable. Thus persecutions, crimes, and all manner of uncivilized brutalities find easy justification in the name of patriotism, something which in times of peace a civilized man does not normally "understand." Finally, although the cleavage between the morality of animals and that of men is great, that should not blind us to the many striking similarities. "Go to the ant, thou sluggard" is a statement we can understand, so that we higher animals do in fact recognize the virtues of industry and thrift in the lives of our more fortunately evolved lower brethren. We have, therefore, something in common with them, which, according to Darwin, seems to point to a common origin.

Man is, of course, a social animal; nevertheless, his social instincts are surprisingly few and not particularly strong. We may, therefore, regard them as vestiges of former and better days when man's ape-like progenitors possessed those qualities of instinctive sympathy and love which at present characterize the behavior of the herd. With the growth of intelligence man's social instincts were somehow modified, so that the vast majority of his present actions are primarily under the control of education. Inasmuch as self-sacrifice is fundamentally irrational, whenever it does occur it must express man's more primitive self — a mother's unthinking leap into the stream, for example, is neither rational nor a product of education.

Biological moralists not infrequently create the impression that philosophy from Plato to Kant is a vain struggle with the problem of conscience due, presumably, to the fact that the philosophers had neglected to study biology. Now Darwin, so they tell us, found the key to the mystery of moral conscience when he discovered that the social instincts in men and animals are much more persistent than any other. With this discovery the problem was practically solved, since it gave a new insight into the mechanics of conscience. Man, so we are told, is prone to yield now and then to such egoistic urges as the sense of danger, anger, hunger, and so on, urges which temporarily overwhelm the social instincts. Thereupon, having regained his composure, he sits down to reflect, so to speak, which gives the social instincts an opportunity to reassert themselves. Now the remembrance of past indulgences gives rise to the feeling that such actions were in reality a violation of his present self. This is a depressing discovery, and he feels a sense of disappointment and frustration, which is the essence of moral conscience. The whole thing, therefore, is simply a matter of the natural course of events; the pangs of conscience are composed of delicate biological reactions due to the natural disposition of the organism; and the workings of a man's conscience are not essentially different from the workings of his stomach. Thus a man may yield to the temptation to eat rich food, so that for the time being his food devouring instinct overcomes the persistent fact of the natural limitations of his internal organs. Upon the satisfaction of the urge to eat, his more permanent self begins to assert itself, the gastric discomforts accumulate, and he experiences a sad state of frustration. In other words, he who eats food he cannot painlessly digest is under the same condemnation morally as he who yields to the temptation to commit assault and battery. Both have failed to respect the persistent factors of biology,

both have violated their more permanent selves, both are sinners, and what is more, both feel like sinners. And these sad states of discomfort are usually aggravated by the fact that their fellows disapprove of such yieldings to temptation. Of course, the feeling quality that normally accompanies stomach trouble is somewhat different from that which accompanies the aftermath of assault and battery. That, however, seems to be non-essential. If a man indulges in practices that hurt primarily himself he is only slightly less anti-social than the man who hurts others besides. The important thing is this. Conscience is nothing more than a species of bad feeling resulting from a failure duly to respect the demands of one's more permanent self, which self is more persistently social than anything else.

It should be noted, however, that it seems to be relatively easy for people to learn the art of stealing without the subsequent feeling of frustration, whereas the art of painlessly subjecting a bad stomach to heavy foods has still to be learned. This is perhaps a trivial observation invented by idealists, but it does seem to indicate a difference between the pangs of conscience and the pangs of indigestion. Again, it appears to be a matter of common observation that people with unfortunate stomachs quite easily get into good habits in regard to observing the interests of this particular part of their more permanent selves, whereas, on the other hand, it seems to be difficult for most of us to get into the habit of attending to the welfare of our neighbors. Considerations of this sort may or may not have led Darwin to qualify his general discourse by the observation that enmity and hatred "seem also to be highly persistent feelings." These feelings, so Darwin thought, were fortunately the only exceptions; with characteristic naivete he failed to realize that these exceptions are just about fatal to his account of moral conscience.

There is doubtless no more useful and no more dramatic virtue than that of self-sacrifice for one's fellows. Nevertheless, it is doubtful whether the bulls of a herd in exposing themselves for the protection of the females and the young, or even that human mothers in giving birth to children, do this from a sense of moral obligation. Self-sacrifice prompted by an instinctive feeling against which the animal happens for the moment to be powerless, and, on the other hand, self-sacrifice prompted by convictions of human decency and self-respect, do not look like essentially the same thing. Self-sacrifice may be a zoological fact, but it must still be shown that it has any fundamental relevance to morals. It is one thing to have an instinct; it is quite another to get it moralized.

3.

The evolutionistic philosophy of Spencer offers an entirely different and somewhat less probable story of the origin of morality. In common with other biological moralists he assumes the aim of the evolutionary process to be not happiness but more abundant biological life. In the course of time, however, he found himself compelled to deal with the human point of view. Now the desirability of mere healthy biological existence is not an axiom of the human point of view. In fact, given a human being of whom nothing more significant can be said than that he happens to be a healthy organism, and we seem to have something slightly less than human. And a human being who is not quite human is morally objectionable and therefore — from the point of view of morality — hardly worth perpetuating. Mr. Spencer seems to approve of this line of reasoning when he tells us that life is or is not worth while according as it yields or fails to yield a "surplus of agreeable feeling." Life is moral if worth while, and worth while if pleasurable; and biology and ethics go hand in hand

the moment a man is willing to admit that it is good to be alive. The question then is this: What sort of agreeable feeling makes life worth while? Could a responsible and thinking person on the level of reflective morality actually convince himself that life is worth while simply because he happened to be a healthy organism? The enjoyment of physical health is doubtless something to be thankful for, but one would hardly suppose it to be the fulfilment of man's mission in life. Furthermore the fact that a man happens to be healthy will hardly prevent him from being bored. In other words, a "surplus of agreeable feeling" for man seems to involve something more than mere animal health.

Accordingly Mr. Spencer tells us in effect that at some future time the race will be rescued from the boredom of animal health by an improvement of its adjustment. We are destined, apparently, some day to take supreme delight in performing such acts as appear to have a race-preserving value. Man, although not ceasing to enjoy the agreeable feeling of health, will supremely enjoy the privilege of making others healthy; health-giving and pleasure-giving actions will coincide, and the economy of that future state will be such that man's self-interest will be Nature's providence. And the fact that egoism should so effectively serve the purposes of the evolutionary process seems entirely reasonable when we consider, according to Spencer, that extremes of altruism tend to lower a man's vitality, as a consequence of which he falls more easily prey to the eliminating processes of natural selection. By what token may we discover the most advantageous limit of altruism? Spencer's answer is in effect: Be altruistic to the point of diminishing returns; never give until it hurts, since that would amount to a violation of the egoistic values. We are bidden, however, not to worry about these matters because the forces of natural evolution are destined to produce a perfectly adjusted life. Egoism and altruism will be advan-

tageously apportioned, wars will cease, and justice will triumph over conflict. All this seems a reasonable hope, especially if we consider the fact that men seem to have a peculiar tendency to insist upon the "principle of equality." Just now this tendency is, unfortunately, most pronounced with the under-privileged; however, the comfortable classes will sooner or later catch up with their more highly evolved but less fortunate brethren; they will become more accustomed to social life and as a consequence will acquire better and better ideas. Thus the evolutionary process will end in a state of "social equilibrium," i. e., a state of broad-minded egoism.

Spencer had the praiseworthy ambition to discover rules of moral conduct established on a scientific basis. There would be nothing irreligious about this since ethical principles scientifically arrived at would not differ essentially from those derived from religion. In fact he seems to have been of the opinion that if only we knew enough biology we should be able to demonstrate the appropriateness of the Ten Commandments and the Sermon on the Mount; and he undoubtedly regretted that this was not sufficiently appreciated by religious people (who doubtless reasoned that if the correct rules of faith and practice have already been supplied by religion, the attempt to get them from another source might be interesting but hardly important).

Spencer agrees with the Utilitarians that whatever the good life may ultimately turn out to be, it must at least increase the sum total of human happiness. He agrees further that although pleasure is the final criterion of the good life, much depends upon the kind of pleasure. Our ancestors apparently took great delight in fighting and in oppressing the weak; whereas we today, thanks to the evolutionary process, take pleasure in better things, things which increase the vitality and creativeness of life. Our lives are more "coherent"; we are more "adaptable"; we possess greater "equilibrium" and more

"variety"; and we are more peaceful because our society is industrial, whereas that of our ancestors was, unfortunately, "militant."

According to Spencer the difference between a moral and an immoral act is essentially a matter of complexity. For example the trouble with the ordinary thief is that he is too simple minded; that is to say, he is inclined to stare blindly upon immediate returns, considering only benefits to be received and overlooking possible disasters to be avoided. Now if he were only a fully evolved thief he would consider the consequences of his act upon society as a whole. The common thief is too realistic, hence he tends to become shortsighted. If, however, his thinking processes were more complex he would naturally become more idealistic and thus acquire remoter aims. Anyway, in a completely adjusted society there will be no common thieves for the simple reason that in such a society the complex judgments will have a preponderance over the simpler ones. Aristotle, apparently, had the correct insight into human nature when he expressed the belief that if man knows better he will inevitably do better.

Spencer realized, of course, that it will probably be some time before the majority of people will know enough to subordinate immediate aims to more remote ones. This wholesome habit of mind will at first manifest itself only in superior individuals, the naturally endowed leaders and examples of the race. The unintelligent majority will long continue to be realistic, preferring one bird in the hand to a dozen in the bush. In fact, the ideal of immediate returns will continue to bedevil some people even in the advanced stages of civilization. Gradually, however, the majority will begin to realize that society is really an organism and that the only lasting profits to themselves are those which society enjoys as a whole. And so, with the advent of an industrial society, men will more

and more get into the habit of thinking in terms of brotherhood and service.

Just how in detail this transformation will be achieved — and Spencer discusses the matter at considerable length — need not detain us for the present. One example will suffice to show the general trend of Spencer's reasoning. Moral sentiments, so he tells us, evolved from a sub-moral level of life predominantly coercive. Primitive man began the upward climb by being afraid of the anger of his fellows. In the course of time this fear seems to have been transferred to the anger of some military leader, a state of affairs much more useful, since it insured obedience in case of war. From this perfectly useful and realistic fear the savages were moved, it seems, to fears more or less metaphysical — they transferred their normal fears to ghosts and to the spirits of the dread departed. Having become philosophically minded, they apparently got into the habit of making hypostatizations, so that in the end their fears were transferred to "public opinion."

The fear of public opinion is, however, a feature of the pre-moral level, since the calculation of "external consequences," whether to oneself or to others, is a simple matter of prudence; and it was not until man acquired a certain self-respect, which led him to calculate "internal consequences," that he could correctly be said to have attained the moral attitude. On the pre-moral level the question is, What will happen to my person if I do or fail to do thus and so? On the moral level the question is, What will happen to my character, my dignity as a man, my inner disposition, if I do or fail to do thus and so? Since, according to Spencer, the destiny and importance of the individual depends upon the destiny of the race, sooner or later he will know enough to seek his personal happiness in the preservation and enlargement of the species, which on civilization's highest level expresses itself in fair and

equitable mutual relations. The basic principle of morality, therefore, is the principle of equity.

Spencer differed from Darwin in that he believed the egoistic principle in man to be primary, and the altruistic, only secondary. The animal must live before he can act; he must, therefore, make sure of his own welfare before he will be in a position to be concerned with the welfare of others. Spencer did not believe that we today enjoy the privilege of riding in trains because others have been sufficiently altruistic to be concerned about the welfare of our feet.¹⁾ The aim of morality is precisely that of reconciling man's natural egoism with the principle of altruism. As to the origin of this attempt at reconciliation Spencer does not, sad to say, get beyond Hobbes. Originally men indulged in constant hostility, but realizing the error of their ways, decided to co-operate. In this way originated society with its neighborliness and beneficence. Of course the warlike habits were not immediately eradicated, and the first societies were militant; that is to say, instead of everybody fighting with everybody else, men organized themselves into tribes and did their fighting co-operatively. This gave rise to the social virtues, which in turn gave rise to more peaceable habits; whereupon such members of the tribe as proved to be unsuited to a peaceful social order conveniently died out.

Having presented and examined a veritable mass of anthropological and historical data, Spencer at last comes to the almost platitudinous conclusion that the history of moral advance is so tortuous and that moral facts are so complex that it is impossible to come to a conclusion.²⁾ Nevertheless, he

¹⁾ This seems to be the belief of Prince Kropotkin in his *Ethics, Origin and Development*, N. Y., 1924.

²⁾ See the *Principles of Ethics*, especially the division called "The Inductions of Ethics."

did come to the Darwinian conclusion that the feeling of sociality is the root of morality, that this feeling is universal among animals — with a few rare exceptions — and that in man we find as a primary category of reason the conception of equity. In other words, the key to history is the democratic principle; men, apparently, have within them an undying something which causes them to insist upon the principle that all men are equal. Naturally some are more conscious of this principle than others, depending upon circumstances. Thus within any modern industrial society the urge to equality is almost wholly confined to the underprivileged, those who have nothing to lose. And, of course, the egoistic principle, ever ready to assert itself, consistently embarrasses man's attempt to gravitate godward. Furthermore, man's sense of equity is frequently obscured by prejudice and insufficient insight. Nations and classes would probably not go to war quite so easily if they did not feel that they were engaged in the sacred task of vindicating the principle of equity. Of course the sad fact is that they have a tendency to include under equity considerations which apparently have little or nothing to do with equity. The majority of Englishmen, for example, seem to have no particular difficulty in believing that for the British to get out of India would be nothing short of a violation of a most sacred trust; whereas those Hindus who happen to come to America for an education have a noticeably different view of sanctity. And the communist's conception of equity would probably not coincide with the view entertained by most members of the D. A. R. Nevertheless, Spencer is sure that despite superficial appearances to the contrary, civilization moves consistently from militarism to industrialism, and that the latter connotes beneficence and peace. But he is hard put to find in history anything to justify this certainty — and he admits it.

4.

For the making of significant predictions regarding the future of the race, our position today is not particularly auspicious; so that whatever we say about man's destiny must be highly speculative. Spencer's dreams about humanity's prospective bliss, therefore, will not significantly motivate men and women seriously concerned with everyday conduct. If the evolutionary process inevitably leads to paradise, the question of whether a man will be blessed with descendants sufficiently remote to share its beatitude would appear to be somewhat academic; and academic questions and possibilities rarely decide moral issues. If my conduct is such as to make for my having descendants in Mr. Spencer's paradise a million or so years from now, that, of course, may be a source of some slight satisfaction to me; if, on the other hand, my conduct is biologically bad, so that in the course of time my descendants no longer multiply, there still remains to me the satisfaction of knowing that such possible descendants as might have existed had my conduct been otherwise, will never know what they are missing. And that these alternatives will significantly influence my conduct is somewhat doubtful.

However, it must be said in praise of the biological moralists that they evidently recognize the fact that the meaning and validity of moral principles cannot be isolated from a conception of the total meaning of life. One act is good and another less good because the former is more nearly in harmony with the fundamental reason why men are here. On the other hand, the question, Why are we here? can be answered neither by logic nor by the "facts," but will inevitably rest upon some ultimate interpretation of the facts dictated neither by facts nor by logic. And as for the nature of this ultimate interpretation, nihilism and transcendentalism are equally possible. It is academically possible to hold that we

are here primarily to preserve and propagate the species; and, if one desires to reduce the fundamental character of human existence to a mere matter of biology, it can apparently be done with at least a show of plausibility. And merely to point out that this view brings all manner of difficulties and problems will hardly constitute a refutation, since problems will be our lot no matter what our view of life. The feeling of disquiet and remorse, for example, may seem to me to have a quality altogether different in kind from that occasioned by indigestion, but that may be a more or less persistent illusion to which higher animals are prone. One may, on the other hand, with at least an equally good show of reason hold to the belief that the purpose of life is to be found on another level, a level not wholly explained in terms of biology and chemistry. The humanist will assert that we are here to know truth, to love beauty, and to do justly — matters which a consistent naturalist must look upon as suspiciously metaphysical and therefore unreal. And when the religious man confesses that we are here to do justly, to love mercy, and to walk humbly with God, he evidently introduces something quite beyond the pale of naturalist tolerance.

But although naturalism, humanism, and theism are all alike incapable of complete rational demonstration — our ignorance being what it is —, probably the majority of civilized men will readily admit that love, beauty, truth, and goodness are better reasons for living than the propagation of the race. For on the level of reflective morality the question inevitably arises, What kind of life is worth preserving? Now on the purely animal level such a question, of course, never arises; hence, it is extremely doubtful that conceptions which partly account for animals will completely account for morals. Love of truth, of goodness, and of beauty are present facts, and Mr. Russell's assertion that they are probably cosmic mistakes, although academically a possible answer to the riddle of life,

will not particularly impress men seriously engaged with the problem of right and wrong.

That circumstances have something to do with our moral conceptions is hardly a debatable point. The real difficulty is in getting confirmed naturalists to see that circumstances, although affecting morals, do not explain them. A man's sense of personal responsibility and obligation to others may be conditioned by the state of his glands; but that hardly implies that an investigation of his glands will reveal anything significant respecting his sense of responsibility. That the very possibility of reflective morality is conditioned by physiological facts is so obvious a truism as to be practically without significance in a debate between the extremes of theism and an unadorned naturalism. No theist, however limited his lust for novelty, is likely to deny that if a man is to live morally he must at least be alive; and few spiritualists, however certain that gunpowder is a state of mind, would seriously hold that the victims of brain degeneration ought to be held fully responsible for their every act. The point is that physiological conditions, however necessary, are not sufficient to account for the facts of human life; and the necessity of being alive and without serious glandular disabilities appears no more to explain morals than the necessity of brush and canvas explains a painting. Morality doubtless presupposes biology just as an oration presupposes at least an audible voice; but it will be hard to convince the unprejudiced that the oration has been completely accounted for by an explanation, however complete, of the physiological peculiarities of human lungs. There are, of course, suggestive differences — at least a good man is not quite the same thing as a good horse.

The evolutionistic account of morality is at best a history of the progress of the moral consciousness once that has made its appearance. That, however, is something different from an account of the *origin* of morality, to say nothing of its validity.

Many evolutionists seem to have difficulty in grasping the fact that any social relation whether tribal or national is from the beginning a moral relation. The result is that frequently their talk about the origins of morality already presupposes its existence. Finally origins, although interesting, decide nothing as to present validity. To know, for example, that chemistry "arose out of" alchemy is not necessarily to know anything significant about chemistry. Furthermore, our knowledge of what a thing is now is usually far more reputable than our suppositions as to what it may have been in the dim past; and the attempt to understand something we know reasonably well in the light of something we know only by speculation seems rather futile.

It will hardly be necessary to wrangle about such expressions as "struggle for existence" and "natural selection," since both were obviously employed by Darwin in a metaphorical sense, the former being borrowed from the Malthusian theory of population. And the notion of natural selection apparently refers to the resultant of many "natural laws," and therefore amounts to a sort of statistical average.¹⁾ Darwin took the Malthusian conclusions for granted and applied them to biological phenomena generally. Strictly speaking, of course, plants and animals do not engage in a struggle for existence, nor does nature "select." Obviously, therefore, the idea of natural selection can hardly be taken seriously as having anything to do with the origin and nature of moral principles. Furthermore, the aggregate of many laws, conveniently called natural selection, accomplishes nothing without the factor of variations, which being largely a matter of chance—at least relative to the limitations of our knowledge—is no more explanatory than the idea of emergence. In other words, natural selection is not a cosmic guarantee of a development in nature from the worse to the better. We know of no con-

¹⁾ See in this connection the *Origin of Species*, Chapters 3 and 4.

ditions or systems of conditions that will produce variations in one direction only — for example, that of biological improvement. And natural selection can by no stretch of the imagination be regarded as a tendency on the part of nature to realize the higher in the moral sense. Finally, whether the struggle for existence is really a fact of nature will presumably depend upon whether the Malthusian theory of population is true, and that is at least doubtful. Of course, given the simple and very special conditions envisaged by Malthus, the theory can be “demonstrated”; but, inasmuch as these simplified conditions never obtain, the demonstration is hardly worth making except as a diverting intellectual exercise.

That moral facts and biological facts are not quite the same is a proposition which we need not argue at length. No biologist on the basis of the most exhaustive knowledge of organisms can decide whether human life is worth while — a fact which obviously excludes the biologist from the entire field of moral values and the metaphysical presuppositions thereof. The conservation and development of moral ideas and sentiments has at least no direct connection with biological heredity; and the social determination of which types of conduct shall be preserved is neither “natural” nor a matter of chance, but almost exclusively a matter of meanings and human purposes. Men may have been mistaken in their ideals and their choice of means for realizing them, but the important fact here is that they had ideals and that they deliberately chose certain forms of conduct to realize them and to insure their maintenance. And these are facts which will have to be described and interpreted in language somewhat different from the language used in discussing biological evolution. Finally there is the fact of the consciousness of values. It is possible, of course, to speak of biological evolution as a process in the course of which values are achieved and conserved — assuming that it would be intelligible to speak of

values independently of an evaluating mind. Nevertheless it would seem rather clear that the consciousness of values, their choice and preservation, signifies a set of facts belonging to an entirely new dimension of existence. However, no amount of argument will convince anybody already convinced in the other direction; and if the evolutionist is ready to assert that the Sermon on the Mount and Brahms' Symphony in C Minor receive their ultimate significance from the facts of natural selection and the survival of the fittest, there is nothing more to be said. No argument can avail against a faith that removes mountains.

Closely connected with evolutionistic ethics are the various forms of moral theory supposedly based upon the facts of science. The "natural sanctions," we are told, ought to be and in fact are sufficient support for morals and moral theory. The question naturally arises, Just what are the natural sanctions? On the standpoint of evolutionism they must be identified with the biological sanctions; that is to say, if the fundamental purpose of life is the adjustment of the organism to the environment and the preservation of the species, acts are good or bad according as they promote or obstruct this purpose. Morality accordingly would reduce to something like this: One should so live that one may continue to be a healthy specimen; one should not, therefore, overeat, overdrink, indulge in sexual excesses, hate and envy one's neighbor (since that may be bad for the nervous system), and so on.

Unfortunately the natural sanctions we derive from biology do not seem capable of supporting a very high type of morality. What are the natural sanctions against fraud and slander, against making war upon an inferior nation and appropriating its wealth, against selfish ambition and thievery in high places, and against withholding from the laborer his hire? And what are the natural sanctions for humility, kindness, and magnanimity? As a matter of fact, the virtues of meekness, humili-

ty, and love of neighbor are intelligible only to men already moralized considerably beyond the level upon which the fundamental drive is the preservation of the species. If natural sanctions are principally biological there will be no difficulty in showing that persistent drunkenness and sexual overindulgence are immoral; but what about occasional intoxication or an occasional theft or an occasional liaison? If, on the other hand, the natural sanctions include the majority of the sanctions found only on the level of reflective morality, the word *natural* obviously loses much of its original significance; consequently, any morality whatever, whether based upon biology, idealistic metaphysics, or the Christian religion, will be natural, and the statement that natural sanctions ought to be sufficient support for morality becomes trivial. Equally trivial is the idea of morality as a peculiar way man has of adjusting himself to his environment. Obviously there are many ways in which man may become adapted, and, in so far as the Australian aborigines succeed in propagating their breed, they are adapted. In fact to define morality as an adjustment to the environment is about as significant as to define art as a form of behavior.

To account for "natural" morality is one thing, to account for reflective morality is quite another; and the two are often so obviously unrelated that it is doubtful that we could seriously discuss the one in terms of the other. Huxley, as we saw, was so impressed by this that he categorically denied any relation whatever between morality and success in the struggle for biological survival, asserting that there seemed to be as much natural sanction for immoral as for moral conduct. It is at least evident that both kinds of conduct have survived. However, some writers have taken considerable pains to show that survival value and reflective morality not only are not antagonistic but actually complementary. Their success has not been impressive. Naturally it would not, as we have seen,

be very difficult to show that the more flagrant forms of immorality lead to biological deterioration. On the other hand, there appear to be some forms of conduct which, although not demonstrably harmful to the organism, are nevertheless regarded by civilized society as distinctly immoral. The majority of sanctions on the level of reflective morality concern primarily the survival not of the species but of an established culture. We frown upon dishonesty and slander not so much because they render impossible the biological adaptation of the race, but primarily because they tend to disrupt the smooth operation of what we like to call a civilized social order. As civilization advances, an increasing number of sanctions concern matters transcending primitive survival values, matters in the interest of which we should feel duty bound to sacrifice, if necessary, personal and even race survival. If man's highest calling is that of populating the earth, all other considerations necessarily become subordinate. But it is simply a fact that on the level of reflective morality we do not consider biological existence as in itself worth while. We do not believe a man particularly worthy merely because his actions happen to be conducive to the propagation of his kind. The youth who forfeits his life in the attempt to save his father is hardly considered immoral because his action has gone counter to the principle of the survival of the species. Do we believe that a group which has chosen physical annihilation rather than to submit to the degradations of slavery has thereby exhibited its moral inferiority? We may admit as an abstract proposition that in the best of possible worlds the ethical process and the biological must ultimately be harmonious. Yet we are quite certain that the price to be paid for mere biological survival may sometimes be too high. Self-preservation may be one of the first laws of life, but that does not appear to permit the inference that it must be the final explanation of all human conduct. From the facts of reflective

morality we may safely conclude that the majority of civilized sanctions have no demonstrable connection with the question of biological survival, and that the civilized moral consciousness sees nothing incongruous in the sacrifice of physical existence for other values.

The proposition, that morality survived because it was somehow useful, we may admit and forget. It is the merest truism and proves nothing. The fact that savagery has survived up to the present, although it may prove that savagery is useful, hardly proves that it is something to be desired morally. And that savage societies are destined to disappear unless recreated in the image of modern civilized societies is certainly not obvious. Naturally, whenever they clash with modern societies, they lose; but modern societies have other advantages besides those of reflective morality — advantages such as steel mills, chemical laboratories, and other instruments which make for efficiency in physical competition with savages. However, it is a principle of reflective morality not to engage in that kind of competition. And that is what we have to explain.

The *ought* of evolutionistic ethics, we are sometimes told, is based upon a natural biological tendency; man, it is said, has a congenital drive in the direction of the preservation of the species. It is doubtful that we can identify such a drive. At least the prevalence of birth control and the increasing number of childless families would seem to be some evidence against its universality. Furthermore, history seems to show that the fortunes of future generations weigh very lightly with men when they face the issues of war and peace, moral filth, and mental hygiene. Granted, however, that it does exist, nothing would be proved, since it would still be a question whether it ought to be encouraged rather than curbed. The recognition and indulgence of native drives hardly constitute civilized and moral living. If it is natural for men to yield to urges that tend to preserve the species, then, of course, if they

yield to such urges they are acting naturally; but we have still to show that it is always right to "follow nature." If, in other words, we assert that this or that natural tendency is right because natural, we neither assert a self-evident proposition nor demonstrate a truth, but merely propose a dogma. To say that men ought to preserve the species because they have a natural tendency to do so, is about as meaningful and convincing as the proposition that men are naturally selfish and therefore ought to be. On the level of reflective morality there is nothing to show that men have a moral obligation to seek the continuation of the species. They may have a moral obligation to preserve life, but that is something different. Universal celibacy would be unnatural, but we should hardly think of calling it immoral.¹⁾ Reflective morality, in other words, transcends natural tendencies, encouraging some, modifying and curbing others. Moral goodness and biological fitness are, at least for purposes of moral theory, incommensurable. Obviously anything that exists is somehow fit, whether it be a microbe, a parasite, or a man (in fact parasites are said to be more fit biologically than men); and cowardice and envy seem to have survived quite as easily as wisdom, courage, and benevolence.

We cannot, of course, formally disprove a mechanistic ethics; nevertheless, there are facts which make the mechanist faith somewhat difficult. One such fact is the very existence of mechanistic theories about life. Of course, "if we knew enough" we might discover that a mechanistic theory of life is essentially a chemical reaction. But we do not know enough, and, since the mechanist shares this ignorance, his position becomes wholly speculative. The fact remains that inferences from biological phenomena as we today understand them will

¹⁾ Of course, if the danger of universal celibacy were imminent our sense of values *might* become sufficiently altered to render the practice morally reprehensible. But that is a futile speculation.

apparently justify wholly contradictory moral standards and almost any philosophy of life. Our present state of knowledge — or ignorance — is at least such that the notion that if only we knew enough we should be able to give the chemical formula for a mechanistic theory of morals is entirely gratuitous. Consequently, some mechanistically inclined people have been induced to seek solace in the belief that the human race is a temporary cosmic aberration.¹⁾ Unfortunately, such flights from reality do not add dignity to the naturalistic philosophy of life. If human nature is a mistake, its theories about the nature of reality, including the naturalistic, can have no real significance. Darwinian prepossessions and speculations fit in very well with a naturalistic view of morality, the essential feature of which is the capacity to think of ourselves as animals. To such as have acquired this capacity much of reflective morality must seem artificial and sterile. But the advocates of jungle morality forget that, although men may at heart be savages, it is of the essence of civilization that they shall occasionally be ashamed of their savagery. This may be unnatural and dishonest, but it seems to be the price of human dignity and self-respect. And that, again, is something which we have to explain.

The preservation of the species can hardly be regarded as the *reason* for reflective morality, since the species as a matter of simple history has succeeded in surviving with ease far below that level. Naturally wherever conduct is allowed to go entirely counter to the very possibility of group life, the group will not survive. However, the fact that communal life cannot be maintained without at least a number of taboos hardly signifies that all morality must be interpreted as some-

¹⁾ Mr. Bertrand Russell, in his book, *A Free Man's Worship*, is moved to a kind of sentimental eloquence by the dramatic fitness of the eventual destruction of the human race. Men and morals, apparently, constitute a wholly absurd interlude in the otherwise sensible conduct of physical nature.

thing existing solely for the purpose of making group life possible. If man is to exist biologically, he must have a minimum of food; but that does not justify the inference that every form of eating and drinking found in advanced societies can be completely explained in terms of that fact. It seems to be a fair conclusion that the rationale of morality is something more than the preservation of the species. Primitive conduct obviously did preserve the group, otherwise we should not be here to speculate about the genesis of reflective morality. Reflective morality doubtless is useful; but, if its primary usefulness is its survival value, how are we to explain the fact that the distinctive features of reflective morality have nothing to do with the preservation of the species?

Morality, we are sometimes told, is the result of a "redirection" of congenital drives. Man, in other words, is an animal who, unlike squirrels and antelopes, cannot rely exclusively upon the efficacy of bare animal urges to insure the preservation of the race in its civilized state. This view appears to be a recognition of the fact that such things as congenital drives and the "pressure of circumstance" are not quite enough to account for the peculiarities of human behavior. It also recognizes the fact that the preservation of the species is not the key to an explanation of morality (obviously there would be no need of a redirection if nothing more were at stake than the mere survival of the race). However, the moment we talk about congenital drives *redirected* we seem to be getting into something which from the point of view of a consistent naturalism ought to look suspiciously transcendental. We may conclude, therefore, that the word redirection is to be taken as a metaphor, and that all it is really meant to convey is that, in times past, men somehow got beyond the minimum of social conduct necessary to secure the physical existence of human beings. In evolutionistic terminology, this would mean that men by chance blundered into better ways of doing things.

Which, however, is simply to abandon the attempt to explain reflective morality. Nor can we hope to preserve the evolutionary naturalist account of morality by the simple expedient of inserting a moral genius here and there, since we should still have the geniuses to explain. Could we account for them wholly in terms of congenital drives and the pressure of circumstance?

Today we hear much about the emergence of levels and, consequently, the emergence of moral values. An emergent may be described as a fact or set of facts the possibility of which appears to presuppose another set of facts said to be "lower"; and, although the higher facts are not known to exist independently of the lower, they cannot be reduced to the lower. A mind, for example, presupposes the existence of a brain; but, although we should know all there was to be known about the human brain, we should not on the basis of such knowledge be able to predict the advent of the theory of relativity or the quality of the religious experience or the nature of a toothache. Now the consciousness of a toothache is said to have emerged from the neural organization we call the brain. The idea of emergence, therefore, does not so much explain as call attention to the fact that a description of the brain is not the same as an account of self-consciousness. Emergents are sometimes defined as levels of existence having their own peculiar and irreducible qualities and laws. If, for example, a psychologist wished to talk sensibly about the mind he might be compelled to use terms which would mean absolutely nothing if employed to describe the brain, and vice versa. Using technical language, we might say that each level or emergent constitutes a new universe of discourse. The fact that levels of being exist in this world of ours is perhaps no longer a matter of doubt — whatever may be the ultimate relations subsisting between levels and whatever may be their final interpretation. Everyone recognizes that, whenever we

talk about human beings, we require terms not at all commensurable with most terms used in describing the operation of a drill press or the decay of a tombstone. No doubt if we confine our discussion to man's physiology we can get along very well with the categories of the biological laboratory; but an account of man's physiology is not the whole story — although, once more, the naturalistic philosopher firmly believes that some day it will be, and that for the present it is the peculiar task of philosophy to demonstrate a fundamental continuity underlying the levels of being. However, it is generally agreed that on the level of reflective morality we are concerned with peculiar relations between persons, and that these are, at least for the time being, fundamentally different in kind from the relations studied in chemistry and biology.

The idea of emergence is today apparently the common property of all philosophies. Unfortunately it explains nothing and merely gives a name to a fact almost universally recognized, viz., that terms useful in discussing chemistry may not be very intelligible when we come to the facts of life and mind. That does not, of course, *prove* that the various sets of terms involved are necessarily incommensurable; nevertheless, the facts today are such that at our present stage of knowledge no set can be reduced to the other. Of course, if the meaning of the term "natural" is made sufficiently inclusive we inevitably arrive at the meeting of extremes, and it will make no difference whether one be called a naturalist or an idealist. Again, moral values may be regarded as necessarily conditioned by the advent of man and therefore destined to disappear with the disappearance of that kind of animal; on the other hand, it seems just as reasonable to suppose that, inasmuch as our world somehow produced man, moral values are inherent in the cosmic process. And whether we suppose the one or the other, reality remains about equally mysterious, a brute fact with which human intelligence is not quite able to cope. In

any case those who rely upon argument and factual evidence in order to establish either naturalism or theistic evolutionism are, to say the least, optimistic.

The question at issue between evolutionism and all other types of ethical theory is this: Does the idea of biological efficiency exhaust the significance of human life? Do we account for man by showing that "he is like the beasts that perish"? All forms of contemporary naturalism hold that the evolutionary principle reaches out to man and more or less completely explains him. Most forms of non-naturalistic ethics, on the other hand, take the position that although the evolutionary process may include man, the process itself must be viewed "from the perspective of a wider setting." There are biological facts and spiritual (moral) facts, and both are indubitable. They must, of course, be harmonized to the extent that this is possible at the present stage of our knowledge; nevertheless, any philosophy, which in trying to reduce the moral to the biological practically denies the reality of facts having a primary certitude, is at least somewhat premature. The world that we know today is incredibly more complex than the materialists of the Nineteenth Century ever dreamed, and human life does not appear to have been created for the purpose of fitting nicely into a scheme of mechanistic evolution.

We constantly hear from the side of naturalism that what the world needs today is "a more plastic view of mechanism." Mechanism, we are informed, ought to be defined so as to include purpose. However, mechanism is a word the meaning of which does not suggest purpose, and to say that it does or ought to, is needlessly confusing, and it would be better to invent another term. If by the term mechanism we are to understand something which is not mechanism, we are either playing with words or proposing original definitions. If mechanism includes purpose, there would seem to be no real difference between mechanism and spiritualism. If mind is

supposed to be the consummation of a long mechanical process in time, and if this process is sufficiently delicate and involved to include purpose, then evidently mind is the consummation of a purposive process in time. If two means five, and three, seven, then obviously two plus three equals twelve. But that does not seem like very fruitful philosophy.

The word evolution, particularly in its social application, appears to mean little more than change. More meaning can be put into it only by showing that the process moves in the direction of a more or less definite end; and it is generally conceded today — with the possible exception of a few deathless Spencerians — that the facts do not enable us seriously to contend that we know just where we are going. The most recent novelty in evolutionistic speculation is the theory that all matter has evolved from a fundamental "cosmic stuff." This theory, a recrudescence of early Greek beliefs, owes its rebirth largely to the discovery of radium, in connection with which it was found that some chemical elements can be transmuted. From the evolution of all forms of matter from some fundamental "stuff" to the evolution of everything from matter is an easy transition for the enthusiast. However, sobriety would seem to demand the admission that, inasmuch as the specific laws governing these evolutions are not known, the theory is not yet beyond the status of a mere speculation. Of course, these laws may some day be discovered, but problematical future things cast little light upon present moral problems.

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CHAPTER VI

FREEDOM

1.

OF all the problems of ethical theory the problem of the freedom of the will is at once the most interesting and the most discouraging. Philosophers in the past have been loath to admit that the problem is insoluble; consequently most of them have apparently considered it a demand of good sportsmanship to offer some kind of solution. Usually the solution represents either the one extreme of determinism or the other of contingency, both of which involve an over-simplification of the real content of life. Many contemporary writers instead of trying to solve the problem either shelve it or, if they are unable to resist the lure of a mental exercise, dissolve it. This is usually done by ingeniously modifying the meaning of the word freedom. They begin with the idea of freedom as undetermined action and conclude with the idea of freedom as determined action. Thereupon they persuade themselves and others that freedom in the sense of determined action is really the only kind of freedom a rational and self-respecting individual ought to desire.

The Greeks simply took the fact of freedom for granted: — If there is no freedom, there can be no responsibility; if there is no responsibility, there can be no virtues; if there are no virtues, then life must be mostly illusory; and if life is illusory, there can be no good reason for speculating about its meaning.

In fact, it is doubtful that they ever thought of freedom in any way other than as simply a fact of life to be accepted with "natural piety." In the Nicomachean Ethics we find the Greek point of view stated in typical fashion. There we are virtually taught that if men know better they will do better, and since they are free to know better they are free to do better.

It was, therefore, left to the Church Fathers, notably St. Augustine, to introduce the problem into Occidental thought. The Church Fathers, however, were not immediately concerned with man's freedom as over against the natural causal order, but with man's responsibility to an omnipotent and omnipresent God in whom "we live and move and have our being." If God is the source of all things, including saving faith, how must we conceive man's responsibility in accepting or rejecting the Gospel? If we hold that man is free to accept and free to reject, we seem to do violence to the power and good pleasure of God; if, on the other hand, we assert that the act of faith is a gift of divine grace and therefore something done to man by God, we seem to deny man's responsibility. Either faith is something we do or it is something done to us — and whether we assert the one or the other, we at once face a problem. For if we say that saving faith is something done to us we seem to imply that the saved are the beneficiaries of Divine action and the lost, the victims of Divine inaction — which seems blasphemous; if, on the other hand, we say that saving faith represents something we do, we seem to limit Divine action and grace is not really grace. And if, finally, we say that in the exercise of saving faith we do something and also something is done to us, then we seem to imply that we do something which God does not do, and so our salvation depends at least in part upon what we do.

The problem must be viewed in the light of the Christian doctrine of man's original state and fall. According to this doctrine, God had created man good, had delegated to him a

portion of Divine sovereignty,¹⁾ and had entered with him into a covenant of works. His status, therefore, was such that he was free to achieve and free to fall, since otherwise beatitude would not have been of works but of necessity.²⁾ Man failed and thereby degraded his sovereignty, disrupted his kingdom, and as a result both himself and the lower creation with which he was organically connected became subject to death and corruption. Man wilfully separated himself from the beneficence and the glory of God, thereby rendering himself incapable by works of achieving his destiny. Furthermore, the natural and just conclusion of this process of corruption would be the destruction of the race. But by reason of His good pleasure and as a vindication of His creatorship, God chose to preserve His handiwork and to uphold man's delegated sovereignty, which, although depleted and shaken, God has willed to preserve sufficiently to continue man as a creature of reason, responsibility, and initiative. The core of the present dispensation is the formation of a renewed humanity by the Divine offer of grace, which, however, man by reason of his natural and wilful corruption is incapable of accepting. The offer of grace, therefore, is not sufficient for redemption; grace must actually be applied to man by God, and it is this application of grace that is called Divine election. No one deserves to be elected, and those who are, can claim no prior excellence.

However, if man is by nature dead in sins and trespasses, and consequently incapable of accepting Divine grace, and if this inability is the result of the failure of our first ancestor,

¹⁾ "And God blessed them and said unto them....replenish the earth and subdue it; and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth." Genesis 1:28.

"Thou madest him to have dominion over the works of thy hands; thou hast put all things under his feet." Psalms 8:6.

²⁾ See in this connection Fairbairn, A. M., *The Philosophy of the Christian Religion*, 160 ff.

how can we hold contemporary man responsible? The answer usually given is that humanity is an organism, a universal person having both a physical and an ethical character; so that when original man fell the entire organism became degraded. Furthermore, the natural consequence of man's original disobedience being a progressive degradation of humanity, it is only by God's grace that today such a thing as human sanity exists. Finally, in the words of St. Paul, "the invisible things of him from the creation of the world are clearly seen, being understood by the things that are made, even his eternal power and Godhead; so that they are without excuse; Because that, when they knew God, they glorified him not as God, neither were thankful; but became vain in their imaginations, and their foolish heart was darkened." (Romans 1:20-21.) In order to vindicate His creatorship — and not because humanity has any claim upon God's mercy — God, so to speak, allowed man to retain insight and responsibility sufficient for him to recognize the reality of the Creator and the reality of his own corruption. Consequently, the Gospel is sufficiently clear to be recognized by all men as a genuine offer of salvation. In the act of imparting saving grace, however, God comes to the individual not only as the sovereign Lord offering redemption but also as the Holy Spirit applying to him the benefits of the mediatorship of Christ.

Now at this point the theologians became uncertain and, consequently, began to disagree. The universal offer of redemption is accepted only by those who fully realize their natural corruption, renounce their pride, and humbly seek the grace necessary to enable them to rise above themselves. But to acquire this understanding and contrition evidently required saving grace, for the natural man neither glorifies God nor is thankful, but is "vain in his imaginations" and "his foolish heart is darkened." The question, therefore, was this, On what grounds does God give saving grace to some and not to

others? A definite and satisfactory answer was difficult in view of the fact that Scripture seemed at least to permit the theory of successive increments and degrees of spiritual enlightenment and a genuinely human synthesis, the latter being a function of man's original sovereignty by which he exercises or can exercise a derived creativeness both moral and intellectual. Furthermore, according to Scripture man may be very near the Kingdom of God but fail to enter.¹⁾ In fact Scripture appeared to teach that men may be "partakers of the Holy Ghost" and experience "the powers of the world to come" without apparently being recipients of saving grace.²⁾ It appeared to be impossible, therefore, completely to explain the exact relation between the Divine good pleasure in election and the responsibility of the individual. The Church permitted considerable latitude of interpretation, and although today the Catholic Church appears to stress the factor of free will, it continues apparently to recognize St. Augustine, who may be called the father of the doctrine of predestination, as one of the great Fathers.

Since the Reformation, the extremes of interpretation have been represented by Arminianism on the one hand and Calvinism on the other. According to the Arminian view, God elected for salvation those individuals concerning whom He foresaw that they would do something. The precise nature of what they would do was either left obscure, or it was believed to consist in their acceptance of the Gospel while yet in their darkened and perverse state, or it was believed to consist in their free acceptance of the Gospel subsequent to their receiving Divine grace, Divine grace supposedly bestowing upon fallen man the ability freely to accept or to reject the Gospel. Calvinism, on the other hand, holds that although it is beyond man's capacity completely to understand the relation between

¹⁾ St. Mark, 1:32-34.

²⁾ See Hebrews, 6:4-6.

Divine election and individual responsibility, it is certain (1) that man as a result of wilful disobedience corrupted himself and became darkened in mind and will; (2) that by Divine suspension of the law of corruption man retains sufficient reason and moral responsibility to realize both his depravity and the creatorship of God, and that, accordingly, he is without excuse; (3) that God, in order to vindicate His creatorship, chose to preserve His handiwork by taking upon Himself the form of man and becoming in Christ the head of a new humanity; (4) that He is free to elect as members of renewed humanity such individuals as His good pleasure dictates since there is no reason beyond Divine justice and mercy why He should elect any; and (5) that in the economy of election God deals with the individual by persuasion and not by external compulsion; God, so to speak, makes the individual work out his own salvation. "For it is God that worketh in you both to will and to do of his own good pleasure." (Philippians, 2:13.)

Apparently neither Arminians nor Calvinists professed to have a primary interest in the niceties of the "purely philosophical problem" of the relation between Divine omnipotence and human initiative. Both accepted Divine sovereignty and human responsibility. The Arminians, however, believed that the Calvinists tended to emphasize Divine sovereignty at the expense of Divine mercy and righteousness, whereas the Calvinists asserted that the Arminians upheld the reality of human initiative at the expense of God's sovereignty. Contemporary Calvinistic theologians of the pulpit apparently consider the debate closed and usually confine themselves to the thesis that the doctrine of predestination is scriptural — which it apparently is.¹⁾ Whatever we may think of the theological problem of predestination and human responsibility, at least the intelligence exhibited by the Church Fathers and the early Protes-

¹⁾ See Romans 9.

tant theologians in discussing it, is by no means inferior to that shown by secular philosophers in debating the problem of natural determinism and moral responsibility. And the solutions proposed by the theologians are no more inconclusive than contemporary solutions of the problem of the "freedom of the will." Incidentally, the Church Fathers never doubted the fact of moral responsibility but, like the Greeks, took it for granted. If a person had not been compelled against his will, his act was regarded as an expression of his will. Unfortunate congenital traits and a bad environment might modify his responsibility but they could never annul it. The assimilation of evil influences was considered to be something he did, and could not be referred to a foreign agency compelling him against his will.

With the rise of secular philosophy the problem of the freedom, or unfreedom, of the will moved to another plane, and the idea of a personal God realizing an eternal purpose was simply ruled out of the discussion. Spinoza, for example, virtually identifies God and nature, and conceives of the human will as a "spiritual automaton." Man feels that he is free, but this is due to the fact that he is usually unaware of the causes that determine his action. Spinoza's philosophy is definitely deterministic, although he inconsistently teaches that man has the power to achieve freedom from the emotions and the lower passions. Hobbes, although differing in respect to the question of freedom from Spinoza in language only, is credited by contemporary thinkers with having said the last word on the subject. His solution of the problem of human responsibility is simply that we have the will to act but not the will to will.¹⁾ Kant completely reverses the traditional theological

¹⁾ It may be observed in this connection that freedom of action is not identical with freedom of will. Our wills may be free despite absolute inability to act. The martyr, or the prisoner who refuses to divulge the identity of his accomplices, has at least more freedom of will than of action. The moral or physical coward, on the other hand, seems to have more freedom of action than of will. There is, apparently, no limit to what a man may attempt, and to that extent, at least, his will is free, although his action is not.

way of stating the problem. The problem of the Church Fathers was, How may we think man's responsibility if for righteousness and salvation he is absolutely dependent upon God? Kant's problem, on the other hand, is this: Inasmuch as we have a moral consciousness, and inasmuch as the possibility of morality implies the reality of freedom, how can we harmonize morality with the fact of universal causation? Furthermore, inasmuch as our moral consciousness tells us that the virtuous man deserves happiness, and inasmuch as the natural causal order appears to contain no guarantee that the virtuous man will get it, it is reasonable to suppose the existence of God. Now this reasoning reflects a complete revolution from the theistic to the humanistic outlook. The certainty is no longer that God exists and that therefore man's real freedom is in question; on the contrary, we are said to be certain that man is free and that his freedom eventually demands the postulate that God exists. Kant teaches that we are free in the realm of moral action, that this realm is above the natural sequence of cause and effect, and that whatever happens in the moral realm never interferes with the natural order. In the physical world, therefore, things go on as though the realm of moral action were non-existent. Evidently the sort of freedom Kant has in mind is something very elusive and "metaphysical," and obviously not the sort of thing determinists and indeterminists have in mind when they argue about freedom and moral responsibility.

2.

Freedom of the will is an expression having several possible meanings. (1) It may mean the ability on the part of man to make decisions and to act upon them. This is called psychological freedom, and its reality is not in question. (2) It may mean that at the moment of decision the will, relative to

endowment and training, is undetermined. The theory that this is indeed the case is called indeterminism, and its truth is very much in question. (3) It may mean that the will is an uncaused and absolutely spontaneous entity. This conception, although not impossible — the universe may be plural — is objectionable primarily because it amounts to an attempt to account for human action by assuming a miracle. This is called metaphysical freedom, and only those who have a pluralistic philosophy can take it at all seriously. (4) It may mean that of the many possible motives and stimuli by which a person may be influenced, we shall never be able to predict, no matter how much we know, just which will move him to action. This is called the freedom of caprice. Ethicists are generally agreed that, if such freedom exists, it would seem to be operative only in the minds of idiots or in the minds of normal people during their idiotic moments. Of these four possible interpretations of freedom — there may conceivably be more — we shall be concerned only with the first two. Furthermore, we shall confine ourselves to the debate between those who regard the facts of psychological freedom as conclusive evidence for the reality of undetermined choice, and those who do not.

What are the facts of psychological freedom? What do we mean when we say that human beings are not determined objects but free agents? We mean that human beings can, and usually do, act without constraint or external compulsion. A person may, for example, prove his freedom in this sense by deliberately choosing to perform the more unpleasant and more difficult of alternative tasks. We mean that a human being can, by deliberately undergoing discipline, will to influence his subsequent conduct. Thus the fact that a person can make it a point to acquire certain habits indicates that his conduct need not be the resultant of a host of "influences." A man can become generous and honest — in other words, he

has the power to change his character. We mean that a man can have ideals and can take them seriously enough to acquire the power to act independently of immediate and momentary desires. We mean that, although there are psychological laws or tendencies governing (or at least characteristic of) human conduct, they will operate only so long as we are unconscious of them. Thus a salesman may influence me by the use of "psychology," but his trick ceases to work the moment I realize what he is doing. "A soft answer turneth away wrath," but if I suspect that my adversary is turning away my wrath for the purpose of placing me at a disadvantage, his soft answer at once loses its efficacy. Karl Marx by proclaiming the law of class struggle and the inevitableness of the socialistic state, probably did more to perpetuate capitalism than the combined efforts of all the orthodox economists could have accomplished. We mean that although a statistic may be expressed as a law, that does not make it binding upon the individual. Conditions remaining approximately stable and all other things "being equal," we can predict with reasonable accuracy for any given society the number of crimes, suicides, marriages, etc., for the next year; but we can make no prediction whatever concerning any individual members of that society. We mean that, if we should predict of a neighbor or friend that he will not under normal conditions be tempted to steal or to commit suicide, such a prediction would not make him feel particularly helpless or a victim of circumstance. We mean that men refuse to be treated as objects or to be used as tools, that they insist upon being respected as responsible agents, and that, although they may not always accept blame for bad acts, they insist upon credit for good ones. We mean that, although a man's conscience is a result of his training and that it is generally under the control of public opinion, nevertheless the more he is bound by conscience the greater seems to be his independence of society. Although a man's

ideas of right and wrong are not independent of education, law, and convention, in extreme cases of conscience his ultimate appeal reaches far beyond social sanction. By the time a man says, I cannot do otherwise, he is obviously doing more than merely "reflecting" something that everybody takes for granted.

There is no quarrel between the determinists and the indeterminists concerning the reality of these facts. Both agree that a person can make reflective choices and feel responsible for them, that in the act of choosing he feels independent of internal as well as external compulsion, that if he sufficiently desires he can change his habits and therefore to some extent his character, that he can overrule the usual operation of a psychological tendency, and so on. The point at issue between them is a matter of the interpretation of these facts. Do the facts necessitate, or at least warrant, the theory that at the moment of choice the individual transcends, or at least is able to transcend, both past history and present circumstance, so that the will is placed beyond the pressure of past and present events and therefore is able to view alternatives disinterestedly thus enabling the individual to make a decision based entirely upon *a priori* considerations? Does the fact that we feel our decisions to be free and undetermined justify the theory that our decisions are created by us independently of past history and present circumstance?

To this the determinist answers that freedom in the sense of choice undetermined by endowment and past history is a theory which cannot explain the facts because it is itself unintelligible. Furthermore, the theory is quite unnecessary for the preservation of the reality of moral responsibility. In the first place, the feeling of freedom usually associated with an act of choosing can hardly be regarded as evidence for the reality of an undetermined choice. If we *feel* at the moment of decision that we are acting independently of causes, it

should not be forgotten that we also *feel* that the earth is flat, that the sun rises, that we are free to breath and not to breath, that a stone is entirely inert, that a stick partly immersed in water is crooked, and so on. That we think we are free is simply due to the fact that usually our motivation is extremely complex, so complex that we are unconscious of the thousand and one considerations that enter into our decisions. We may, of course, feel that in making some particular decision we have liberated ourselves from certain influences, but that only means that one set of influences has been replaced by another. A man may have escaped from the temptation to steal, but he has done so because he has been moved to think of theft in the light of consequences, or self-respect, or early training, and because these considerations for the time being exert a greater influence upon his conduct than the subjective presentation of the immediate benefits to be derived from theft. In every battle of motives just which is the strongest will depend upon the quality of the total self, and that is essentially a matter of training: that is to say, the strongest motive is always that which attracts the more significant elements of one's character, and just what these elements are is determined solely by original endowment and history. Why, for example, do we take the trouble to educate people? Obviously, because we believe that whatever we do to them now will influence their actions in the future. True, we can control our conduct and deliberately modify our habits; but to do this requires the stimulation of an ideal, and there are some ideals that may stimulate you but fail to stimulate me, and this is something which neither of us can change at will. There are some ideals which I cannot appreciate just as there are some propositions which I simply cannot believe. Again, we feel today that we might have acted differently yesterday, but the significant thing is that we did not feel that way yesterday; nor could we have felt that way, for we were not yesterday

what we are today. And yesterday's situation can never be repeated because we can never extract from our present selves yesterday's experience. Consequently all we can truthfully say is either that if we could have been yesterday what we are today we should have acted differently or that being yesterday what we were, a different action on our part was physically possible, i. e., if I said, No, yesterday and wish today that I had said, Yes, the saying of Yes was physically possible yesterday, although not actually possible since it required yesterday's experience to make me wish to say, Yes, today.

Consequently, according to the determinist, the only intelligible conception of moral freedom, i. e., the sort of freedom presupposed by the conception of moral responsibility, is the conception of character determination. The free man is the man whose conduct is determined by his own intelligence and his own ideals. However, he neither created his native intelligence nor determined his ideals: the former he got from his ancestors and the latter, from society. Free conduct for man is conduct controlled by a present idea of future events, but his present idea is quite dependent upon heredity and experience, both involving an innumerable host of events that happened to him. Men are controlled in their conduct by hope of reward, fear of punishment, and so on. Naturally these do not operate mechanically; but, on the other hand, the rewards you prize may not appeal to me and the punishment I fear may mean nothing to you. Relative to my hopes and fears only certain ideals are possible ones for me. And whether a given purpose will have the emotional appeal sufficient to make me act will evidently depend upon my sense of values, my general attitude toward life, my intelligence, and all the other elements of my self which have been determined, at least in part, by my peculiar contacts with the external world, whether of nature or of society.

According to the determinist we should distinguish between cause and constraint. We are conscious of free action whenever we act without constraint. But that does not alter the fact that our natural dispositions and our circumstances determine our actions, not by constraining them but by causing them. And whether the cause be external or internal will make no essential difference, since in either case we have an infinite regress. When, therefore, we consider whether man's action be free we may as well recognize the fact that there are but two possibilities. Either a man's acts are determined by his character or they are determined by chance motive and chance impulse. Usually action is determined in part by transitory impulse and in part by a relatively permanent organization of the individual's reaction tendencies; and which will predominate in any given case will depend largely upon the stability of the individual character. In short, action is determined either by one influence or another, and where there is no influence there is no will. In the last analysis, freedom is nothing more than the ability to follow the tendencies of one's own nature. Those who insist upon the definition of free action as undetermined action do so primarily because they wish to keep inviolate the reality of moral responsibility, forgetting that moral responsibility is based not upon unconditioned action but upon intelligence and moral capacity. Thus they assert that a man is responsible for his act if as a rational and moral being he fully intended to do it knowing what he was doing. In other words, man is a responsible being because he has the capacity for intelligent, purposive action. Now this is quite true, but certain conclusions follow which the indeterminist always overlooks. That I am responsible within the limits of my capacity for rational action implies that I am responsible within the limits of my capacity for regular action. However, to the extent that I act regularly my action can be predicted, and to the extent that my action

can be predicted it would seem to be determined. I am therefore a responsible being only within the limits of my capacity for determined action.

With respect to the merits of the above argument we may provisionally observe the following. There can be no legitimate quarrel with the determinist explanation of the causal features of human conduct, but do the causal features represent all there is to be explained? Thus the assertion that freedom consists essentially in the capacity to follow the tendencies of one's own nature does not really appear to explain all the facts of responsible moral action; that is to say, if the freedom of a thing is its ability to follow its natural tendencies, then an atom is just as free as a man. However, a conception of freedom apparently applicable to anything whatever will explain nothing in particular; hence, it will be of no value as an account of the conduct of beings who reflect, create, make moral distinctions, formulate ideals, realize purposes, and so on. My act is self-determined whenever I follow desire; it is no less self-determined whenever I follow desire knowing that I should be better off if I did not. In neither case is my action really free, the only difference between them being that in the latter case I know it is not free. Finally my act is self-determined whenever I exercise my power of rational judgment. But self-determination has now evidently acquired a new meaning, a meaning which may or may not involve freedom.

If man were purely a sentient being his acts would, of course, invariably follow from the tendencies of his nature; they could be said, therefore, to be self-determined acts. But they would not be free acts. On the other hand, if man were a being purely rational his acts would follow from the necessity of his rational nature, and they would obviously be self-determined acts. Nevertheless, they could not be said to be free acts inasmuch as in the case of a being purely rational

the most rational act would be the only real possibility; hence there would be no real alternatives, in consequence of which there could be no choice. And as between alternatives equally rational the response of a being purely rational would be wholly a matter of chance — there would be no reason for doing the one rather than the other.' The definition of freedom as the capacity for following the tendencies of one's nature, therefore, is too superficial to be of much use in a discussion of the freedom of the will. Inasmuch as one of the tendencies of human nature is that of making choices, the definition would in the case of man reduce to the proposition that the freedom of human beings consists in the ability to follow the tendency to make choices. No one doubts this, but the point at issue is whether the choices are really free, i. e., whether choices are really choices or merely necessary responses.

Now we do in fact distinguish moral choices from acts determined by the necessity of our nature. Acts done in accordance with natural necessity we cannot help; acts involving choice we can. Thus the causes that make a normal man dishonest are not of the same sort as those that make him awkward or stupid. The ability to be honest is not in the same category with the ability to solve mathematical problems. Normal persons are under no obligation to be bright or artistic; they are, however, under obligation to be honest and decent.

The theory that motives determine action is false if the word determine is made synonymous with necessitate. Motives are necessary, but not sufficient conditions for the possibility of choice; otherwise, choice ceases to be real choice. If my act is necessitated, whether internally or externally, whether by reason or by desire, there can be no real alternatives. I do not act where I am driven to act. Inasmuch as my motives are not independent of previous choices I determine my motives quite as truly as my motives determine me. Thus

although the motives according to which I may act are all motives of the same self, I distinguish between myself and my motives, identifying myself with some and rejecting others as essentially foreign to my real self. Naturally, whatever I now choose to do is not unconnected with what has previously happened to me; but, on the other hand, past happenings can influence my *choice* only in so far as they were occasions for past choices. Endowment and history absolutely determine the alternatives between which we must choose, but the factors that determine the alternatives do not also determine our choice, since otherwise the alternatives would not be real alternatives. Admittedly one is not free to do what one neither desires to do nor believes to be wise; on the other hand, the fact that one's present desires and beliefs are what they are is doubtless due in part to previous choices.

The fact that in the exercise of his will man enjoys a degree of autonomy is no more inexplicable than the fact that in the exercise of his intelligence he exhibits a degree of creativeness. Mediating endowment and history on the one hand and a moral decision or a new theory in science on the other, is the self as an apperceptive agent which can not be reduced to the elements which it has assimilated.

3.

It is on the question of the meaning of responsibility that determinism and indeterminism exhibit their fundamental difference.¹⁾ To the question, How, if action is determined, can we hold a man responsible for acting badly? the determinist answer is this: A person is responsible for acting badly simply because he *can* know better. To this, of course, no

¹⁾ Although according to Professor William James, a champion of free will, anybody who tries to make a case for freedom on the grounds that we impute guilt to men for their evil deeds, or in any way hold them responsible, ought to be ashamed of himself. *Pragmatism*, p. 116.

indeterminist will seriously object, since obviously before we can hold a person responsible we must know whether he be gifted with the requisite minimum of intelligent capacity. And, inasmuch as this does not depend entirely upon his own efforts, he is to that extent dependent and, therefore, to that extent determined. Suppose, however, that he has the necessary intelligent capacity so that he knows what his duty is relative to this or that situation, but that this knowledge is devoid of the appeal necessary to influence his action; is he responsible for that?

Here the determinist would observe that, unless a person is demonstrably abnormal, he has the ability by means of discipline to overcome any emotional disinclination to perform what he knows to be his duty, and that it is this fact that renders him morally responsible. Once a person knows what he ought to do, it is possible for him to do it. This may be difficult, but that is irrelevant; and unless duty can be shown to be impossible, the responsibility for failing to do one's duty, however modified, is not removed. Where endowment and training make respect for duty possible the individual is morally responsible. Other factors, such as momentary desires and unguarded impulses, may determine what in fact a person actually will do, but they can never seriously affect what he ought to do. There is no denying that a normal person actually makes choices, but the point to be noted here is that choice independent of endowment and history is unintelligible. Endowment and history antedate choice, since they go back to the individual's very beginnings when as a matter of fact he could make no choices. If, in other words, we knew enough about a person's endowment, training, contacts, ambitions, and so on we should be able to predict his actions. If we knew all of a criminal's previous history we could predict his present actions. But that would not remove his responsibility. If a person is determined in his actions by the idea of illicit gain

he must be given a different set of motives in order that his behavior may be conditioned in another direction. This is, in fact, the essence of criminal justice. The criminal may rightly plead determinism, and if he does, the court simply responds by removing his liberties or otherwise motivating his future conduct. Now it is precisely the fact that an individual has the capacity for being thus motivated that forms the basis of his responsibility.

The indeterminist position on the subject of responsibility is briefly this. If a person is aware of his duty and if the idea of doing his duty is without the appeal necessary to influence his action, he is responsible because this lack of motivation is the result of bad choices made in the past. A person's training is more than merely something that happens to him. He has a part in making this training his own. No one assimilates past events and past training without making choices. Every normal human being has the capacity to assimilate impressions and doctrine either in such a way that in the future he will desire to do his duty or in such a way that in the future he will not have this desire. The statement that a person is morally responsible merely because his endowment and history *might* have determined him to act thus and so, is quite unintelligible. We say of a thief that he ought to be honest, despite the fact that we can predict that under certain conditions he will steal. And when we say of a drunkard that he ought to be decent we evidently assert that he is obligated to do what in fact he cannot do. Finally, the assertion that endowment and history antedate choice is mere dogma. The question, When does a person make his first responsible choice? is no more significant than the question, When does he get his first idea? In other words, the fact that we cannot know precisely the beginnings of independent thinking hardly proves that independent thinking is not a fact. There must be an apperceptive activity, however embryonic, from the very beginning. And

there is no *a priori* reason why this should not be true in the case of choice. The fact that spontaneity of choice has no clearly defined channels during infancy is no proof that we are totally without it now, any more than the fact that as infants we made no logical inferences proves that we are now incapable of thinking for ourselves. Motives may be necessary conditions for making choices but that does not mean that inevitably the strongest motive will determine choice — unless by strongest motive we should happen to mean the choice itself. But that would seem to be no more significant than the assertion that our choice was determined by the fact that we made a choice.

4.

It is perhaps no exaggeration to say that, in any debate on the subject of moral responsibility between determinists and indeterminists, the possibility of a single significant point of agreement is excluded from the very beginning. And the reason for this is not hard to see. The determinist assumes that the factors of endowment and history constitute the sufficient conditions of all moral actions. Consequently, he tends to regard the struggle, deliberation, and choice involved in some actions as simply a temporary suspension of action due to conflicting motives. Sooner or later by an unconscious process, the strongest motive dominates consciousness and causes the individual to act. And the feeling quality peculiar to this process is such that we believe our act to be spontaneous and free, when in fact it is definitely determined by endowment and history. The indeterminist, on the other hand, regards spontaneity and choice as integral to the very beginnings of the individual's moral history. Hence, he will explain such acts of choice as evidently involve character determination in terms of the cumulative results of past choices. Both

points of view are in the final analysis about equally intelligible — or unintelligible — and just which we prefer will ordinarily depend upon how literally and how seriously we take the moral *ought*. The facts being what they are, we shall in the end have to admit that the case for indeterminism is no weaker than that for determinism. Action involving spontaneity of decision is no doubt inexplicable; so is responsible moral action absolutely determined; so is intellection involving creativeness; so are origins of any kind whatever. How spontaneity in decision is possible we can not understand any more than we can understand how a decision absolutely determined is really a decision. And if the solution of the problem of freedom awaits a theory which shall harmonize a literal and a figurative interpretation of moral responsibility, it seems quite safe to predict that the problem will never be solved.

5.

There is a strong methodological presumption against the idea of freedom and indeterminateness, a presumption based upon a fundamental postulate of the natural sciences, which for our purpose may be stated thus: This world being a mechanism, things and relations can change only with the change of other things and relations. Any change independent of other changes can, therefore, never be material for scientific study. And to assume the existence of something concerning which we can have no scientific knowledge seems irrational. Consequently, whenever we deal with a phenomenon which seems to involve an independent variable, we may assume that if we knew more about that phenomenon we should discover that the variable is not really independent.

In answer to this the indeterminist will usually point out that inasmuch as the laboratory technique of the physical sciences virtually presupposes mechanism, the results are pre-

determined. Since that technique is such that only quantitative and mechanically determined results are possible, the fact that only such results are obtained cannot be philosophically significant. Whenever, for example, the behaviorist says, "Show me under laboratory conditions the facts of consciousness," he virtually says, "Show me results under conditions which make their appearance impossible." It is a simple matter to obtain mechanical records of muscular movements, blood pressures, and so on; but that we shall ever be able to identify and record mechanically such things as consciousness of values, ideas, and the specific quality of a sensation or emotion, seems extremely doubtful. Furthermore, as a result of their mechanistic habits of thought scientists have a tendency to analyze such a thing as the mind into "parts," — impulses, visceral disturbances, affections, and so on, — and thereupon to attempt a synthesis of the parts according to the demands of some mechanical model or pattern.¹⁾ Now there is no objection to the use of mechanical models as symbols provided we do not tacitly suppose that because this happens to work for certain purposes, the workings of the mind are essentially the same as the workings of the model. Our watches conveniently symbolize the movement of the sun, but that does not imply that expert knowledge of a watch is also expert knowledge of solar motion. Correspondence and correlation do not indicate sameness; so also the fact that mechanical models are convenient for the study of some aspects of reality does not signify that reality looks or acts like the models. Finally, the idea of contingency or unpredictability does not seem to be inherently absurd; at least our physicists — if we may believe their popular spokesmen — seem able to become accustomed to it rather easily. Evidently if we could verify indeterminism sufficiently to make it a matter of practical certainty, we should probably not regard our world as

¹⁾ See Bergson, H., *Time and Free Will*.

somewhat more unintelligible than it seems to be now — unless by intelligibility we should mean determinism.

That man is a creature endowed with moral responsibility because he is capable of regular or predictable action is only half the truth. To act rationally does not necessarily mean to act regularly, except under very special conditions. It is not self-evident, for example, that we could on the basis of our knowledge of the fundamental elements of rational action predict the advent of the theory of relativity. To this the determinist will wish to reply that if only we knew enough we would be able to predict. The answer is that naturally if we knew in advance that the theory would be devised we should, of course, know it; but that does not prove determinism. The question is, *Could* we know it? Is the present nothing more than a resultant, however complex, of the past? The deterministic formula is, after all, hypothetical. Given the same character and the same stimulus, there will be the same result. But this presupposes that character remains the same, that circumstances remain the same, and that there is nothing over and above the past that determines action.

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CHAPTER VII

RIGHTS

1.

WE may profitably begin the discussion of rights by making a few distinctions. A legal right is simply an enforceable claim one person has upon others; a moral right, on the other hand, may be defined as a claim one person has upon others which, although recognized by enlightened public opinion, is not always enforceable. From the point of view of ethics, therefore, a right is simply a justifiable claim. Not all claims ethically justifiable are recognized by law and not all claims legally enforceable are recognized by advanced public opinion as justifiable. Whether a claim is justifiable is naturally a relative matter, depending upon the prevailing culture and moral idealism; hence, what is considered to be a justifiable claim in one society may conceivably be regarded as unjustifiable in another.

It has been said that the law is concerned with as much of morality as can be enforced. As a matter of fact, this is not the case and it is a question whether it ought to be the case. Obviously, it does not enforce everything that could be enforced. Furthermore, just how much of morality can and cannot be enforced is a question impossible to settle by means of a formula; much depends upon just how much public opinion — or the opinion of a well-organized minority — wants enforced. It will be better to say, therefore, that the law is

concerned with morality and that the *limits* of its legitimate concern will be determined by that part of moral behavior which can be enforced. As a rule the law represents the minimum of public morality below which the decent man would be handicapped in his attempt to be and remain decent. Furthermore, it may reasonably be doubted that the law ought to enforce as much of morality as can be enforced. My parents, for example, have a moral right to my support, but to enforce this by law would at least tend to destroy the spontaneity characteristic of filial piety. It may, therefore, be more civilized to keep this intact even at the cost of suffering on the part of some parents than to make it impossible by state interference. Of course, much will depend upon the prevailing moral calibre, and where greed and stupidity stand in the way of a decent regard for others relief must necessarily be enforced. However, the point is that the law may by enforcing too much remove the possibility of the development of a high sense of duty on the part of the individual. In an ideal society, at any rate, all duties would be exercised voluntarily. Whether they can be so exercised in any given society will depend upon whether that society can rely upon the prevailing sentiments of justice, honor, and self-respect. If it can, it should avoid constraint as much as possible.

The so-called legal rights are, therefore, a special class among the rights generally recognized in any civilized society. Just which of the recognized moral rights shall be enforced depends in part upon their importance and in part upon whether the state can conveniently enforce them. Anyway, law does not create rights but merely enforces such as it finds already recognized by society at large. Rights, in other words, really are such before they are enforced since otherwise we should have to assert that the enforcement of a right creates it, and we should have to define a right as merely something enforced. And a right defined as something enforced simply

because it is enforced is at least not the sort of thing we have in mind when we talk about civilized men and their rights. The truth-value or moral validity of a law is determined by the truth-value of the purpose or idea it embodies, not by the fact that it embodies or enforces something. The enforcement of a right, in other words, is not something essential to the fact of a right.

The occasional striking discrepancies between moral and legal justice are due partly to the fact that some rights which ought to be enforced cannot in the nature of the case be enforced, and partly to the fact that the law is rarely entirely abreast of advanced ethical opinion. The rights arising out of a verbal agreement between myself and my debtor cannot be enforced even though apparently they are quite as valid ethically as the rights arising out of a written agreement. As for the ethical lag of the law, a very popular example is the notorious Dred Scott decision prior to the Civil War. Should Dred Scott, a fugitive slave, be regarded as a person or as property? The state of the law at that time was such that the only decision logically possible on the part of the Supreme Court was the opinion that Dred Scott was legally the property of his master and that those who had been instrumental in his escape had been guilty of alienating property without due process of law. The legal notion of rights, in other words, had not yet caught up with the enlightened conscience of the day. It may not always require a war to change legal conceptions, but it very frequently takes popular revulsions to make the law enlightened; and much of legal reform has been the work of the layman rather than the work of the professional.

The more usual discrepancies between what the courts decide and what the people think are for the most part due to the fact that no law can be entirely adaptable to all particular instances. Consequently, the courts are compelled frequently

to treat unlike cases as though they were alike. The assumption is that in this way less injustice will result than would result if every particular case were decided strictly on its own merits and according to the opinions, prejudices, and ethical persuasions of individual judges. Necessarily the law must more or less leave out of account such things as heredity, congenital weaknesses, education, degree of temptation, and so on, factors obviously having an important bearing upon the ethical aspect of any given case. Furthermore, questions of moral obligation and moral right can be decided with anything like unanimity of opinion only within homogeneous societies, and in the western hemisphere there are no such societies. The civilized societies of the West are heterogeneous, consisting of many groups varying in degree and kind of education, religious beliefs, and social and economic status. In such societies naturally questions of moral rights and moral obligations are not settled by a law or a formula. Finally, a mere enumeration of rights in the abstract has little or no significance. Everybody not having communistic leanings believes in the rights of property but not everybody means thereby the same thing. Furthermore, it is not always easy to know in detail just what we do mean, since the real meaning, especially in a complex economic and industrial order such as ours, must ultimately be a matter of detailed economic arrangements requiring expert knowledge. We all believe that a man has the right to labor. By that we presumably mean that he ought to have the chance to make an honest living. But that obviously entails certain obligations on the part of other members of the community, and to know just what these are would seem today to require a considerable knowledge of economics. The apparently beneficial act of expanding an industry may result in a glutting of the market and thus by creating unemployment amount to a virtual denial of the right to labor. But just how much of this can we reasonably expect the law to handle and

to handle on time? The courts can take cognizance of a theft only if it happens to come within the construction of a definition or precedent; consequently, they cannot be expected to keep up with all the possible refinements of dishonesty. Class monopoly of privilege and opportunity is one way of keeping from the laborer his hire which the law can handle only indirectly and only in part.

Although there must always remain a discrepancy between the law and morality, the law is nothing if it is not at least moral in its ultimate purposes. We are told that the courts cannot enforce morality. This is doubtless true if we mean that the courts cannot take cognizance of all immoral practices and that, anyway, they can never make a man want to do what he does not want to do. On the other hand, it is simply a matter of history that things formerly regarded as purely individual have today become matters of public policy. Sanitation is no longer considered something purely personal. Wages, hours, protection, care of the health of children, although today still individual matters in some respects, are at least on the way to becoming public.

2.

By the relativity of rights we simply mean that no rights are unconditional in the sense that a man has a right to them simply by reason of the fact that he happens to belong to the human species. In the first place, it is evident that rights depend upon the nature of social relations; we have no rights where we have no claims recognizable by rational and moral beings.¹⁾ In our dealings with forces other than personal and moral, our appeal is to fact only. My supposed rights have no meaning with respect to my relation to the animals; that is to

¹⁾ We shall reserve for future discussion the problem of whether a person has a *bona fide* moral claim irrespective of whether it is in fact recognized by his contemporaries.

say, if an animal is about to violate what I call my right of life, or if my life is endangered by a storm, there is no appeal beyond my ability to defend myself. And whether I can defend myself will have nothing to do with my right to live. There is no difference here between the just and the unjust; the murderer has the same justification for defending himself against a pack of wolves or seeking refuge from a tornado as has the philanthropist.

Rights depend not only upon the fact of certain peculiar social relations but also — and no less — upon social recognition of a common end or purpose. Relations purely competitive — as, for example, the relations between man and the animal world, or, to some extent, the relations between states — generate no rights; and issues are, therefore, settled in terms of superior strength or superior intelligence or accidental natural advantages. Even in the world of human associations there can be no justification for expecting a fellowman to surrender his natural advantages unless it can be shown that the inferior has a legitimate socially valued part to play in the realization of a common or social good, a part which he cannot play unless the other is restrained in his competitive activities. Men have common interests certain of which, such as the interest in public order, protection, education, and religion, can be served only by co-operative and more or less organized effort. Where such co-operation results in relatively permanent social arrangements society is said to be organized in institutions. Institutions, therefore, may be regarded as organizations for the purpose of achieving what is thought to be a fundamental common good. Such organizations form the social basis of rights; that is to say, although the ultimate ground of a right may be a biological or a moral fact, the right is socially non-existent until it is embodied in an institution or a system of institutions. Inasmuch as institutions represent necessary human interests, they must make

available for the individual the best results of racial experience, enabling him to obviate the mistakes and misconceptions of his ancestors. Furthermore, institutions assign to the individual his proper place and work in the world, since they determine almost entirely the possibilities that shall be at his disposal—at least outside institutional life the possibilities are few unless the individual has the power to overthrow them and the ability to replace them by others better suited to his purposes. Anyway, within civilization rights are exercised in connection with institutions and are, consequently, relative to the purposes embodied in institutions. Now I may believe that a given institution embodies a false purpose so that it appears to be inimical to the exercise of rights which I believe I ought to have. In that case, it becomes my privilege to try to change the institution; but it is not my privilege to insist upon the exercise of rights which presuppose quite another purpose than the one officially recognized by society. Given a common order in which the individual has his place and his duties, he may regard the non-interference of others in the performance of his duties as a right. By the appeal to a common order and a common good a man's claim upon others is vested with the dignity and authority of social obligation. Rights, in other words, are relative to what we may call the consciousness of an ideal order. Wherever this consciousness is lacking we have a world of force and fact, not a world of obligations and rights.

The fact that within existing societies rights have corresponding duties is at least indicative of the fact that rights are definitely conditioned—whatever may be their metaphysical status and however absolute they might be in an ideal society. My right of property, to use an obvious example, does not imply my right to do with it whatever I please irrespective of social consequences. The ethical value of property lies in the duties which it imposes and not in the fact of ownership

which, whatever economic and political value it may have, has no moral value except that involved in the exercise of responsibility. Furthermore, we learn from the history of societies that the precise character of particular rights and their corresponding duties is determined largely by the prevailing beliefs about the true nature of the good life. Practical guarantees of rights no less than theories about rights are always inspired by some general view of life; and the more civilized a society (in the Western sense of civilization) the more specifically will rights be defined in terms of social considerations. The rights of property are not as unqualified in England as in India; and the duties imposed upon me for the protection of others against the privileges implicated in my right to own property are today more numerous and more particularly defined than they were, say, in the days of William the Conqueror.

Whether we have the right in a given situation to act upon a right frequently depends upon the relative enlightenment of others. The ideal of a common good can only be realized in concrete situations, and concrete situations are in large part determined by the attitudes of one's neighbors; so that whether an act is good or bad is not entirely independent of the understanding of others, especially where the act in question concerns public welfare or may in some sense or other be said to be vested with public interest. I may have the right (or at least my reasons for thinking I have the right may seem rather plausible) to a Bohemian mode of life; but if my neighbors are thereby offended, society has the right to suspend my right in the name of a common good which presumably my neighbors and I are trying to realize. Society must act upon the assumption that the good I have in common with others is more important, even for me, than any individual privilege, however good for me, which I can enjoy only to the detriment of the common good. And the fact that possibly I may be the

only enlightened member of my group is a fact which no social order can afford to take seriously. Ideally, it may be very desirable that I enjoy certain privileges, but where my neighbors are not ready for my point of view my only recourse is to educate them (unless I have good reason to believe that the only way to save them from themselves is by defying and shocking them). And, in that case, I take a risk and become either a hero or a fool. Rights, in other words, are relative in the sense that no right is practicable until it is socially recognized; and it is not socially recognized until it is seen to be a necessary condition of the realization of the prevailing conception of the good life. Just what wages and what sort of protection and security shall be included in the rights of labor will be determined by the prevailing conception of a decent standard of living. Whether a given wage will be considered just will depend upon what people think it ought to enable a man to do and to get, and just what this will include will obviously depend upon the prevailing notion of how a man ought to spend his life. Rights, in other words, are teleologically related to a conception of what the individual ought to be.

Rights are relative to public policy. The worker, for example, may agree with the employer to perform services dangerous to life and limb for a monetary return regarded by both as adequate compensation. Relative to the agreement, therefore, the employer would seem to have no further obligations, whether to the worker or to society at large. Nevertheless, an enlightened society will take the view that it is against public policy to permit the employer the freedom of choosing between remunerating an employee for a risk voluntarily assumed, on the one hand, and removing the risk, on the other. It will hold that, irrespective of the worker's personal views in the matter, he must be given the right to adequate protection and that this right, if need be, must be imposed upon him. In other words, the right of contract does not

imply the right to make contracts independently of the demands of public welfare.

Finally, rights are relative in the sense that they frequently grow out of, or come to the attention of society by, new situations and new conditions. Such rights may be regarded either as new rights created by the development of modern conditions or simply as old ones receiving more complete definition. A convenient example is the right to labor, a right not mentioned in any of the various bills of rights produced during the eighteenth century, when the worker had not yet been completely separated from his tools, and capital had not become sufficiently concentrated to produce another type of aristocracy and another type of serf. It is obviously a matter of mere convenience whether we wish to regard the rights of labor as further refinements of the rights of life, liberty, property, and the pursuit of happiness, since to be assured of these rights in our own day will require the enforcement of laws and regulations not needed in a simpler economy. The rights of labor, in other words, may be regarded as the old bills of rights addressed to another kind of nobility, namely, the barons of capital. Naturally, some of these proposed rights go counter to the unenlightened self-interest of the rich, and inasmuch as the rich will not voluntarily abdicate their privileges, the coercive power of the state must be employed, not for the purpose of benefiting one class at the expense of another but in order to secure the stability of society and the safety of the state itself. And whatever may seem to be necessary to that end will be expressible in terms of rights.

On the other hand, rights although institutionally conditioned, are not institutionally created. Institutions are for the purpose of serving man, to enable him more effectively to enjoy his rights; and the surest way for the institution to prepare its own undoing is to operate as if it were the creator of rights. There is always a tendency on the part of society to

take the institution for granted; when this happens the ends for which the institution was originally designed are obscured, and the institution becomes an end in itself. The result is what is known as conservatism, the chief features of which are complexity in organization and a tendency toward bureaucracy, a more or less exclusive official class, vested interests, and insincerity. This invariably gives rise to the suspicion on the part of the underprivileged that the institution is merely an instrument of privilege. The most vehement critics are, naturally, the under-privileged and disfranchised, who easily come to regard the entire institutional system as a burden and as a hindrance to the realization of what they consider their legitimate interests. Accordingly they demand a return of their *rights* which have been taken from them by fraud. Unfortunately, social self-examination and reform will usually be opposed by privilege and vested interest, and where they thwart restitution and reform the result is usually some form of popular revulsion. The institutions in question are thereupon either reformed or, if the masses no longer value the ends which they supposedly subserve, abolished.

3.

The idea of rights by the law of nature received its first legal recognition in Roman jurisprudence, and it has come down to us as a fundamental premise of early European international law and of English Common Law. The idea involves the assumption that a thing is right if it is natural, that it is natural if it exists, and that if it exists it is somehow its own justification. This reasoning is reflected in international practice according to which a *de facto* government, irrespective of antecedents, needs merely to establish itself for a convenient length of time in order to be recognized as official and legitimate.

The assumption that any human activity is right because it appears to be natural is obviously a convenient fiction. This is not, of course, to deny that there are certain basic human activities and that if social life is to be at all possible the right to engage in them must be protected. On the other hand, the fact that we can show that what men do is based upon what they must do in order to live the sort of lives they live, constitutes only a partial justification of their claim to have the right to do it. Men must have the right to eat if they have the right to live, but the right to live is not unconditional. We cannot say that, irrespective of other considerations, all men must live; at least, civilized men are not convinced that life, no matter how lived, is in itself a value. Furthermore, the so-called natural human tendencies occasionally, if not frequently, conflict with one another, which would seem to indicate that we can hardly regard them as the final court of appeal in the matter of just what is and what is not a genuine human right. All men by nature defend themselves, but it hardly follows that society ought to recognize the right of the murderer to defend himself against the constituted authorities.

The idea that natural rights are inborn and that they naturally come to consciousness during the course of individual physical and mental development is obviously antiquated, and we need not stop to examine it. There is, however, another conception of natural rights which, although characterized by an inevitable vagueness, is nevertheless a possible conception. This theory states in effect that human beings in their relation to an ideal and eternal order of things have rights which are absolute because definitive of human nature, and that such rights as are recognized in any given society are at best approximations of ideal rights imperfectly understood. Rights must therefore be considered natural in the sense that, if we perfectly understood man and his place in the universe, we should know that rights are independent of social recognition

and that any case of social recognition is simply a case of partial understanding of this deeper order of things; that rights are expressions of truth in the same sense in which physical formulae represent an understanding of something already existing, independently of whether it is understood. Corresponding to this ultimate state of things, man is said to have an ideal moral nature from which his rights are deducible; and, inasmuch as his ideal moral nature is genuinely a part of his human nature, there is a sense in which rights are natural and inherent. Furthermore, the making of moral ideals is an activity integral to human nature itself. This activity, although developed by education and experience, must be there to be developed. So that, although the consciousness of rights does not arise automatically in the course of a man's natural development, it evidently does come to the individual consciousness as a result of the spiritual development of the race. Man is at least an animal who, in the course of racial development, eventually arrives at a stage of existence in which he is concerned about his rights as a physical and moral being. The fact that man realizes himself in societies does not mean that man as such, i. e., outside of social relationships, is a non-moral being (although, naturally, what a human being may be outside social relationships we have absolutely no way of knowing). But the fact remains that within social relationships the individual acquires a consciousness of values which no other being can acquire. Animals, for example, in so far as they may be said to sustain social relationships with human beings, acquire no sense of rights. To have individuals with rights we must have societies; on the other hand, in order to have societies, we must have human beings. Rights, therefore, are not created by the mere fact of social organization since the nature of the organization and consequently the nature of the relations sustained, is determined by the peculiar nature of human individuals. To say that man has no rights of any

kind before society confers them upon him is only part of the truth. When we approve of an action or attitude, our approval does not confer a right or privilege upon a person which he did not have before we approved — unless our approval is absolutely arbitrary and therefore without any reason. We create rights only when it can be said that we permit an action for the simple reason that we permit it, and it is safe to say that no rights have ever been recognized in this fashion. Our assent must be for some reason other than the fact that we give our assent.

It is sometimes said that the distinction between the so-called natural rights and the conventional rights is only a matter of degrees; that the difference between natural rights and all others lies primarily in the fact that the former occur more frequently and are more primitive in the sense that without their recognition by society men would be as badly off as they are supposed to have been in that peculiar state of nature envisaged by Hobbes. There is, of course, some truth in this, but it does not seriously challenge the notion of natural rights. The answer would be that human beings naturally form peculiar social relations and naturally make conventions. There is a sense in which all rights are natural if they are really rights, and it is not altogether meaningless to hold that social recognition is literally nothing more than *recognition* (obviously one does not recognize something which was not there before it was recognized). The distinction between natural rights as those rights which apply to all men at all times and places, and conventional rights as those rights which depend upon particular situations, is superficial. Such rights as appear to be the common property of all men are not independent of circumstances and situations. The rights of liberty and the pursuit of happiness do not represent claims upon others irrespective of one's moral status, or irrespective of the

kind of liberty one demands or the kind of happiness one intends to pursue.

The heyday of modern speculations and dogmas about natural rights may be assigned to the creed-making period of Western political experience. The more popular statements of rights are found in such documents as the Declaration of Independence and the French National Assembly's Declaration of the Rights of Man and of Citizens. In these we are told that the natural rights are the rights of liberty, life, property, security, pursuit of happiness, equality, and resistance to oppression. Let us examine the more important of these, namely, life, liberty, and property.

(1) The first, most fundamental, and most self-evident of the natural rights would seem to be the right to life. Does this mean that any man has an unconditional right to live irrespective of antecedents and circumstances? If it does, then any one will be justified in employing any means whatever to prolong his own life. If I am about to shoot in self-defence, my attacker may also shoot in self-defence, since his right to live is as absolute as mine. If I enter a man's home intent upon burglary I have the right to shoot the owner who is about to shoot me, and a court would be violating morality if it sentenced me for defending my right to live. It might sentence me for attempted robbery, but it could not sentence me for having killed the master of the house. Has the captain of a sinking vessel the right to do everything in his power to save his own life, and should the law of the sea be, Every-one for himself? Has an officer of the law the right to flee from the scene of a kidnapping or robbery in order to save his life? These questions suggest the answer. The right of life is obviously qualified, and whether one has the right will depend entirely upon conditions and circumstances. The most that the expression, right of life, can mean is that under ideal conditions there will be no burglaries, no sinking ships, no

necessity for policemen, and consequently no occasion for justifying death by unnatural causes, and that society ought to strive for the realization of such a state of things.

(2) Slightly less self-evident than the right of life is the right of liberty. Consequently, if the right to life is relative, the right of liberty is certainly no less so, and we need not belabor the obvious. Besides the limitations it has in common with the right of life, the meaning of the right of liberty is by no means clear. For example, in a sense a miner in a Pennsylvania coal field has an equal liberty with a mine owner, namely, the liberty to make or refuse to make a contract. Unfortunately for the miner, if he refuses to make a contract the only liberty left to him is the liberty to starve. Liberty in this case means for the miner nothing more than that he cannot be forced to work against his will in the same way in which a slave in days gone by could be forced to work against his will. Nevertheless, he can be forced to work in some other way which, although somewhat more indirect, is quite as inexorable. A slave in ancient times had the liberty to choose between work and death by flogging; and that this liberty is essentially different from the liberty to choose between work and death by starvation is not self-evident.

The expression, equal liberty, may have as many meanings as there are interested parties, and what is called liberty to bargain by the employer may look like slavery to the miner. Poor and rich have an equal liberty to bequeath property, but the expression is in this case hardly significant. There is such a thing — or, at least, in civilized societies there ought to be such a thing — as the right to live decently; but it rarely occurs to the privileged that an equal right to make a contract may under certain conditions mean nothing more than society's protection of the exploitation of the poor. Liberty is a word with such a variety of meanings that it has long ceased to be significant. In the last analysis, just how much freedom the

masses will actually enjoy will depend upon the decency, wisdom, and moral sense of men on the one hand, or their greed, stupidity, and brutality on the other. The real meaning of liberty is usually determined by those who have vested interests and are in a position to determine public policy. And the amount of liberty a person really has is, in contemporary society, pretty much determined by his worldly fortunes or misfortunes.

Moralists usually distinguish religious liberty (upon which we today pride ourselves, overlooking the fact that our broad-mindedness here is largely the result of indifference), political liberty, and economic liberty (about which there is today considerable fanaticism, evidently because money is something we take seriously, or at least more seriously than we take religion). Political liberty is expressed in the right to vote and in the right to hold office. In the case of those belonging to minority parties in the United States these rights are, of course, purely nominal; that is to say, unless a minority is extremely well organized, its chances of obtaining a hearing are rather remote.¹⁾ Technically, of course, everyone has the right to hold office; actually it is entirely a matter of whether one belongs to the inner circle of one of the major parties or minor political gangs. The right of religious liberty is evidently qualified by the moral conventions and political purposes of the organized majority of the group. One has, of course, the liberty to believe whatever one wishes to believe provided the resulting practice is not contrary to public policy. Naturally this means that ultimately no government will re-

¹⁾ A representative incident occurred during the recent N. R. A. code hearings when the work of teachers was allotted a monetary remuneration below that of most skilled workers on the sole ground (naturally this was not expressed in so many words) that teachers were not sufficiently organized to bring extra-legal pressure worthy of notice to bear upon legislators and other public officials. This should occasion no surprise if one considers that politics in our land is largely in the hands of those whose primary ambition is not to advocate and apply principles, or to rule wisely, but to hold office.

spect religious liberty. The events taking place in Germany to-day indicate that there can be no religious liberty for groups whose full liberty of expression is considered inconvenient by the government. We may note in this connection that even within our own country the government continues to tax Roman Catholics for the support of schools of which they must on religious grounds disapprove; and that this is essentially different from the European custom of making citizens pay for the upkeep of churches which they do not attend, is at least not obvious.¹⁾ One of the tenets of American culture is religious liberty, and if religious liberty means anything at all one would suppose it to mean at least that every citizen has the right to have his children religiously educated without being penalized by the state. Economic liberty, whatever that may mean, never has been nor ever can be absolute; and, the common impression to the contrary notwithstanding, even the laissez-faire school of economics presupposes some form of public oversight to keep in check the ultimate conclusions of human greed and stupidity. We no longer assume that the market is the meeting place of traders engaged in making bargains on the basis of rational considerations so that in the last analysis man's self-interest is God's

¹⁾ In answer to this we shall hear that the American public school stands for American culture and that those who do not approve of this sort of thing have no business being here. This is, of course, pure dogmatism. The fact remains that to make citizens pay for schools they do not want or of which on religious grounds they must refuse to make use, amounts to placing a penalty upon religious liberty. And as for a certain type of school standing for American culture, what is to prevent a state from maintaining that a certain type of church stands for the prevailing culture? Furthermore, we may question whether it is the business of the state to educate any more than it is the business of the state to make furniture or sell potatoes—except in cases where private initiative has so far broken down that only state paternalism can keep the race from cultural degeneration. Democratic states have not usually taken over the work of individuals and cultural associations until the latter have shown themselves utterly incompetent. Whenever men refuse or are incapable of supporting their families or their parents we must, of course, resort to state asylums, but we do not consider that something to be proud of.

providence. A man is free to found an industry provided he has either the money or the necessary "connections"; which, in terms of our civilization, is merely another way of saying that he is not free to start anything at all.

In short, the right of liberty merely means that, in an ideal society, men and women may be safely allowed to do as they please since they will always please to do what is right. Naturally, when we come to consider realities, the right of liberty means something quite different.

That the rights of property are among the most conditional of all will require no demonstration. How much property ought a person to have in order to make life worth while? The answer of the political creed makers would presumably be that he ought to be allowed that minimum of property necessary to give meaning to the rights of life, liberty, and the pursuit of happiness. Unfortunately, such a formula would be open to a variety of interpretations. As it stands it could serve as a postulate of almost any social and moral theory. And on no interpretation could the right of property be considered absolute. How I may acquire wealth, how much of it I may keep, and what I may do with as much as I am allowed to keep, are to a considerable extent matters of public policy. Furthermore, just how much autonomy the state ought to allow individuals in the exercise of their responsibilities in connection with property will largely depend upon how thoroughly the majority of individuals are moralized. The law today grants individuals particular legal powers respecting property and contract. However, the use they make of these powers will be determined by factors other than legal, factors such as commercial interests, family interests, moral and religious scruples, and so on. Just who will and will not get the benefits of property rights is largely a matter of the presence or absence of individual moral integrity or individual shrewd-

ness. Whether, therefore, the laws respecting property rights are good or bad will depend upon whether the general moral tone is high or low. Whether the matter of the disposition of property can safely be left to individual judgment will obviously depend upon the integrity of character a society is able to produce. One of the marks of a morally mature society is its willingness to leave as much as possible to individual initiative; on the other hand, wherever individual initiative has broken down there is no reason why the law should not more minutely specify just what men may and may not do with what society allows them to have. Extraordinary wealth on the part of some is in itself no moral or social evil; on the other hand, men being what they are, it is rather certain that the more highly complex the economic structure the greater the possibilities for good and evil resident in the actions of those in key positions. Consequently, all other things equal, there is considerable justification for making considerations of public policy more and more inclusive. Public duties increase as we ascend the scale of economic and social complexity, for complexity, although it may not mean scarcity of wealth and materials, does mean scarcity of opportunity and independence in making a living. The assumption that the race between the privileged and the disfranchised is a fair race could be made only by reactionaries in their most class-conscious moments. Furthermore, to assume that the economic life is a race *merely* is to forget that the objective of a civilized society is not to witness a race but to provide for the common good, however that may be conceived. And it is certainly naive to suppose that the state has the duty to see to it that those who enter the race under a man-made handicap shall continue under that handicap. No economic *status quo* is its own justification. In the last analysis, there are only two "natural" economic laws, namely, human greed and human shortsightedness.

4.

A rather generally accepted theory of the origin of rights is the theory that rights are created by society's recognition of a common good. This view implies that the distinction between having a right and having a right to act upon that right is entirely fictitious. A principle of action which proves to be inapplicable, whatever it may be, is at least not a principle of action. Rights which cannot be acted upon, either because that happens to be physically impossible or because the rights in question are incompatible, are not rights at all, and to call them such is pure sophistry.

Naturally, this view contains some truth but, as is usual in the case of one-sided theories, it becomes entirely false by being represented as all the truth. It over-emphasizes the truth that relative to a given recognized right other rights, whether recognized or not, may be purely hypothetical in the sense that one's right to act upon them would be paramount in other situations or relative to other conditions not now obtaining. There is a sense, therefore, in which rights may be regarded as empirical generalizations; that is to say, such generally recognized rights as the rights of life, liberty, and so on may generally be acted upon because situations rarely occur in the lives of normal and law-abiding persons in which these rights must be suspended. Furthermore, as we have seen, it is a fact that no rights — or at least none of those rights which political philosophers of the past have called natural — are unconditional, that the question of their precise meaning in particular situations must normally be settled by considerations of public policy, and that whether public policy is wise or stupid will depend upon the moral enlightenment of society. So that in the last analysis such rights as we actually have depend for their moral validity upon the moral validity of the prevailing conception of the good life.

But that is not the whole story. The theory asserts that rights are created by society's recognition of a common good. And now the question is, Does the reality of the common good depend upon society's recognition of it—so that society's recognition of a common good creates that common good—or, or does the conception of a common good represent something in the nature of a truth discovered? Are rights created by society's creation of a common good, or does society establish rights because these flow teleologically from a conception of human life which is supposed to be more or less true? Does the individual who fights for what he calls his rights merely fight for the recognition of a subjective privilege? That this is often the case is, of course, irrelevant. The individual honestly concerned about rights seems to be in a position not essentially different from that of the individual concerned about the social recognition of a physical or biological truth. The scientist demonstrating a discovery does not feel that he is dealing with fictions until others see his point. Naturally, the discovery was not a discovery until it was made, but that hardly means that the thing discovered was unreal and non-existent until it became related to some human consciousness. Whatever may be the proper interpretation of the statement that truth is made, truth obviously is not made in any sense which implies that corresponding to a workable scientific formula there was no previously existing fact which the formula means. If the expression that truth is made means that there is no human knowledge until somebody knows something, it is trivial; and if it implies that there is nothing more to know than what is already known, it is false. Future knowledge is, of course, future, but that hardly implies that we know all there is to be known now—unless, of course, we identify our knowledge of something with the something which is known and call the result truth. Had the slaves no moral right to freedom until slavery was officially abolished? Would it not

be more nearly the truth to say that prior to the abolition of slavery men were not sufficiently enlightened to recognize a truth? Was the circulation of the blood a fiction until it was discovered by Harvey?¹⁾

Whenever, therefore, we assign to human beings a given right we probably do so because we believe it is better for them; and when we say it is better for them we probably mean that it does greater justice to human nature, and by that we usually mean that it represents a better insight into human nature. Anyway, it is not unreasonable or unscientific to hold that rights recognized are not rights created, and that like truths, we gradually discover them as features of the true content of human life. Now to discover something is to become aware of something which is dependent upon our recognition only in its capacity of being discovered, not in its capacity of being there to be discovered.

The distinctions of legal, social, and ideal rights would seem, therefore, to have nothing to do with the nature of rights themselves, but to be entirely relative to human ignorance. We sometimes speak of men as having been in advance of their time, and by this we hardly mean that the truth they alone recognized was on that account no truth. Thus the conception of a human right may represent a truth about human nature without being so recognized by society; and it seems obvious that here, at least, we must distinguish between a right and a right to act upon that right. The latter is wholly conditioned by the existing cultural and moral state of society; the former, certainly not. Furthermore, if we assume that a right is non-existent before some group officially — or un-

¹⁾ Of course, if we identify truth with the fact of discovery, so that to make a truth means to make a discovery, there is obviously nothing to quarrel about. In that case if this world is subject to an unmitigated flux there will still be a difference between the flux and our discovery of it. Only, since our discoveries would also be subject to flux, we could not be very sure about our discoveries.

officially — recognizes it, then we must hold that all groups are equally liberal and equally enlightened — at least we could hardly say of a group failing to recognize a given right that it is worse or better off; like the color of their skins or the shape of their skulls, they either have it or do not have it, and there would be nothing more to say. Nevertheless, it seems clear that when men think that they and others are entitled to a right they do not think so merely because they discover that they all are thinking so.

If the validity and truth of a moral principle depend upon recognition, no view of life can be taken seriously. If it is non-significant to say that the formulations of scientific and moral principles approximate truth rather than create it, then truth can not even be defined as a working hypothesis, for a working hypothesis is at least a rough guess as to what is true and not a rough guess as to what will work, since if it does not work it is obviously not a working hypothesis. Slavery was certainly not wrong because it did not work, for if it did not work it would not have existed. In fact, there are many kinds of slavery which still work, otherwise social and political idealists would not need to take time to protest against industrial and other abuses. To say that a thing is true just so long as it works is needlessly to multiply the number of contradictory truths in the world.

Rights are, of course, individual in residence. We do occasionally speak of the rights of nations, classes, posterity, and so on, but such rights in the last analysis concern individuals regarded as the subjects of particular social relationships. This does not, however, imply that the individual must be technically a member of some group — e. g., a citizen of some state — in order to be the subject of moral rights. The man without a country may not be entitled to certain political and civil privileges, but no nation calling itself advanced considers him an outlaw. And although his rights may be of no help to him

if the group in question does not in fact recognize them, lack of recognition would be considered an indictment against the group. Now when we call a group civilized we mean among other things that it has a better conception of human nature; and if better, then apparently more nearly the truth. But the standard of truth in this case is clearly not created by the fact that the group in question has decided to recognize rights which some other group less civilized has decided not to recognize.

The rights of life, liberty, and property have doubtless had an historical development, and no one denies that before states protected them they could not wisely be acted upon by individuals. That, however, does not mean that the evolution of civilization created rights any more than the development of physics created the physical world. If we believe that a group is not entirely advanced unless it accords to a civilized person certain rights we imply that civilized men require them as conditions of the possibility of living civilized lives. And this would seem to imply that any group incapable of furnishing these conditions cannot do justice to human life as it ought to be (and when we speak of human life as it ought to be we must mean a life the content of which contains more truth). We do not say that society ought to recognize rights when it already does recognize them since whether they are or are not recognized is irrelevant whenever we talk about what ought to be recognized. If what ought to be recognized is always identical with what in fact is recognized there will be no particular sense in talking about progress, for in a world of pure fact there is neither progress nor retrogression. If an ideal of the good life is a fiction until society recognizes it as a fact, it is obviously not an ideal and society does not realize anything. The fact that our remote ancestors did not recognize rights now accorded to civilized men no more proves that rights are relative to human recognition than the fact that savages do not

know the laws of dietetics renders such laws inoperative among savages. And about all that the relativists usually show is that if a group does not recognize a given right it will not always be safe for the individual to act as though it did. The facts may deny my right; if they do, so much the worse for the facts, and any social order creating them is called a bad one. Here, at least, ideals determine the status of the facts rather than facts the validity of ideals.¹⁾

Rights are either truths or fictions; if fictions, they cannot become truths as a result of recognition; and if truths, they cannot be destroyed as significant ideals by social disintegration. The paradox of rights would seem to be that, although we are logically compelled to think of them as truths — or as approximations to truth —, both society and the individual must on occasion act as though they were fictions.

¹⁾ I. e., the facts pertaining to "recognition."

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CHAPTER VIII

LEGAL JUSTICE AND PUNISHMENT¹⁾

1.

THE traditional theories of the ethical basis of punishment are three in number, viz., the deterrent, the reformatory or recidivism, and the retributive. Lately there has been added a fourth which stresses the factor of education, but since it does not appear to differ essentially from the reformatory theory we shall not consider it further. Practical jurisprudence appears to be a mixture of all three theories. Inasmuch as judicial decisions must in the long run give public satisfaction, and inasmuch as some of the public want retribution, others deterrence, and still others reform, criminal law is necessarily eclectic. The offender has deserved something (retribution); he must be treated in a fashion such that society will be protected against future depredations whether on his part or that of others (deterrence); and he should, if possible, be reinstated into normal relationships with his fellows (recidivism). The ethical problem, however, is not, How may we for practical purposes most conveniently shift these three emphases so as to approximate the highest degree of public satisfaction and public order? The ethical question is, Can we discover a concept, whether of punishment, or of guilt, or of desert, or of justice, from which the three emphases and their mutual sup-

¹⁾ This chapter is a revision of an article which appeared in the *Monist* of October, 1932, under the title, *On the Nature of State Action in Punishment*.

port can be deduced? In ethics our business is to discover whether society in its penal policy does or does not approach something like justice. Public order can never be primary except, possibly, in cases of dangerous crises; and the only public order compatible with the accepted values and respectabilities of civilization is a public order based, not upon expedience and prudence, but upon a conception of what is just. Now justice will doubtless satisfy the demands of retribution, deterrence, and recidivism; but this can not be converted into the proposition that retribution plus deterrence plus recidivism constitutes justice. Finally, the fact that lawyers and criminologists pay no attention to such ethical concepts as remorse and expiation should not particularly impress the moralist. If he believed remorse and expiation to be sound ethical concepts it would be his business to use them and to teach them; and it would also be his business to assert that lawyers and criminologists *ought* to attend to them and that in so far as they do not, their procedure is unethical.

There is of course considerable truth in each of the three theories, although independently each is quite inadequate as an ethical basis of punishment — unless we assume the existence of an ideal state in which the courts are practically omniscient. The question therefore is not, Which of these theories is the true doctrine? but rather, Which is most fundamental? Inasmuch as punishment appears neither to deter nor to reform unless it is applied to the actual offender, we may tentatively consider the theory that the offender somehow “deserves” punishment, as embodying the most fundamental element of the morality of state action in punishment. From the point of view of moral theory, deterrence may be regarded as a by-product of, and therefore incidental to, more fundamental aspects of punishment; while reformation is essentially a criterion of successful state action.

Although the factor of deterrence is, from the point of view of the state, an important consideration in penal administration, as an ethical justification of state action in punishment it appears to be somewhat irrelevant. Those who believe the element of deterrence to constitute a sufficient ethical basis for state action occasionally attempt to clinch their argument by putting forward some such abstraction as this: Suppose, they argue, that incarceration or hanging or any other punitive measure could be shown to have no deterrent effect, is it likely that the state would continue to engage in such practices? Of course the answer is that it would not, for the simple reason that in that case there would very probably be no such thing as the state. The argument, therefore, reduces to merely this: If there were no such institution as the state would there be any criminals? Obviously not, for every hanging would be a mere matter of private vengeance, and instead of punishment we should have the vendetta in full blast. The champions of the deterrent theory, in other words, really attempt to prove their case by asking a question which can have a meaning only relative to that curious invention of Thomas Hobbes known as the original state of *bellum omnium contra omnes*. We may, therefore, answer this abstraction by way of a counter abstraction. If nothing short of the rack would deter hungry men from stealing bread, would we consider it a justifiable remedy? An affirmative answer to this question would involve the denial of all meaning to the words merit, guilt, desert, justice, and so on. However, we desire just at present to discover whether justice and guilt have a meaning rather than to discover what possible abstractions may be invented to bolster up a foregone conclusion that they have no meaning.

With respect to the reformatory theory of punishment, we may provisionally observe the following. Reformation of the criminal, it would seem, can be successful only if the criminal recognizes that his punishment is retributively just. Unless

there is a realization on his part that he needs to be reformed, any attempt at reform must appear to him to be so much arbitrariness and nonsense. Obviously the mere fact of attempted reform does not make punishment just; but, on the other hand, reform could hardly be reform unless it were also retributively just. Reform is, in the final analysis, a moral process, and mere arbitrary action, however well meant, cannot be expected to induce anything more than resentment. Unless the offender realizes his offence and consequently his need of a change in point of view, reform activities cannot but be conducive to a spirit of rebellion. In fact, once the offender is made to realize that the deprivation of his customary freedoms is retributively just, he already is reformed. Any so-called reform, therefore, which does not involve this attitude on the part of the offender can hardly be dignified with the name of reform.

There is an objection to the retributive theory which renders the theory of the identity of state action and punishment more than doubtful, and it is this. A correct estimate of the degree of the guilt of the offender would require an insight into motive and temptation such as we cannot seriously suppose to be within the powers of any human agency. Nor could such an agency ever in punishment fix the just proportion of guilt and pain — assuming that the guilty deserve to suffer pain. Retribution, therefore, as a basis of punishment is impossible.

If we identify punishment with state action in punishment, this argument completely disposes of the retributive theory; if, on the other hand, we do not, the argument appears to be irrelevant. In what follows we shall see that the standard objections to the retributive theory apply neither to the idea of retribution as the ethical basis of state action nor to the idea of retribution as the fundamental element in the process of punishment. However, let us first consider a few matters of fact.

2.

(a) The truth of the objection to the retributive theory noted above is that the State cannot punish wickedness as such; that is to say, the justice of its action in punishment can never be perfect for the obvious reason that the justice of its action depends upon the justice of the general system of rights which the state is called upon to maintain. But, although the state does not take action against me first of all because I am a sinner, it is nevertheless sufficiently interested in me and my particular offence not to institute action on account of it against my neighbor. In other words, the state is not only interested in my offence because it happens to be a breach of public order, but also because it is the expression of a recalcitrant will. And this would seem to be obvious even from the point of view of the deterrent and reform theories.

(b) Furthermore, as the guardian of a system of rights the state is called upon to enforce a definite minimum of morality, that minimum, namely, which appears to be necessary to the bare possibility of a civilization. Inasmuch as a given civilization operates according to a scale of values derived from a conception of the worth while life, it tends to foster the cultivation of a certain type of person. Since there is a minimum of moral behavior below which this conception loses its practical significance, the state in the administration of civil and criminal law does ultimately act with reference to a conception of an ideal person.

(c) Although the state may be unable to form a perfect estimate of the offender's guilt, it does as a matter of fact estimate — again imperfectly — the degree of opposition to the accepted system of rights expressed by the offence. Now, inasmuch as this system of rights must be regarded by a civilization as an indispensable condition of the possibility of what it considers to be the ideal type of human living, the system

may be said to involve a definition of that civilization's ideal person. Consequently, the nature of state action in punishment is correlated with the nature and importance of the guarantee that would be destroyed were a given violation to continue unchallenged. Inasmuch, then, as the specific nature of state action in punishment is determined by the importance of the guarantee endangered, and inasmuch as it actually classifies offences according as they indicate more or less of opposition to the worth while life, there appears to be some sense in asserting that the state takes action according to an estimate of depravity. The fact that one guarantee is considered to be of more importance than another would seem to indicate that some aspects of the ethical minimum enforced are more fundamentally definitive of the good life than others. Thus, the possibility of the good life as understood by our civilization is less endangered by the violation of police ordinances than by violations of the criminal code, violations which express a more fundamental opposition to our culture.

(d) The system of rights enforced by the state flow teleologically from the prevailing conception of the good life. The active maintenance of these rights constitute, therefore, a commitment on the part of the state to a system of moral judgments; hence, state action in punishment is virtually a judgment of moral disapproval.¹⁾ Undoubtedly such disapproval is not immediately based upon a sense of the exact degree of moral perversion presupposed by any particular offence, but rather upon a sense of what is necessary for the protection of rights; nevertheless, the fact remains that the very conception of rights is based upon an ideal of the good life, so that in

¹⁾ According to Professor Ewing (*The Morality of Punishment*), our judgment about bad acts ought to correspond to their degree of badness. Nevertheless he appears to take the position that the state can never punish on retributive grounds because it can never calculate the degree of badness presupposed by any given offence. Now if the state cannot punish on retributive grounds it is hard to understand how its action could ever become an expression of moral condemnation.

maintaining a system of rights the state identifies itself with what it considers to be a moral fact. In recognizing distinctions of value among rights, the state appears to take action in accordance with a conception of the ideal person as the integrating principle of the values of a civilization.

State action in punishment, being an act of moral disapproval, presupposes individuals related to the ethical community as responsible agents, agents capable of purposive action and therefore capable of guiding their conduct in accordance with the values presupposed by the social order. Social disapproval can be moral disapproval only when applied to agents responsible in this sense. Guilt, then, may be defined provisionally as purposive opposition to the values of a given civilization as these are defined and insisted upon by the state. Inasmuch as these values express the accepted ideals involved in a recognized conception of what it means to be truly human, society must regard a criminal act as essentially an act of opposition to humanity itself. Consequently, the state in reacting to an offense commits itself to a fairly definite conception of the moral life. Now the fact that the state cannot with absolute accuracy estimate the degree of opposition to this conception in the case of any particular offence does not permit the inference that it should, therefore, ignore the fact of opposition altogether and confine itself to a general policy of deterrence and self-protection. This would presuppose the idea of the state as an end in itself; and the state as an end in itself may involve the dissolution of all rights as a means.

3.

The principle of retributive justice, we are told, inasmuch as it demands punishment for all moral offences, is useless as a principle for determining which offences the state ought to punish. The force of this argument depends upon a theory

to the effect that the right of the state to protect itself is identical with the right of the state to punish. This theory ignores a possible distinction between the right to be an agency of punishment and the right to exercise that right. It identifies the ethical basis of punishment with the ethical basis of the state and in so doing identifies punishment with state action in the protection of rights.

Now as a matter of fact there are many instances of state action in the protection of rights which can hardly be called forms of punishment. Examples are state action in war, education, public sanitation, regulation of commerce, and so on. Furthermore the right of self-defence does not involve the right to punish. The right of action in punishment is a special prerogative derived from the fact that the state is the ultimate external condition of the possibility of the moral life. This prerogative, therefore, is to some extent relative to the accepted system of rights, and state action in punishment must be in harmony with this system (which it probably would not be if it confused punishment with self-protection). The fact that the state appears to be a necessary condition of the possibility of the good life does not invest it with the prerogative of suspending even a single right, unless it can be shown that this is the only means by which it will be able to resist a very fundamental and dangerous violation of the entire system of rights — as, for example, in the case of suspension of the writ of *habeas corpus* in time of war or rebellion. But the suspension of a right would hardly be called punishment. The state has the right and the duty to guard its integrity as a means to a very particular end; but, once it becomes an end in itself, it is no longer a guardian of rights and may, therefore, become a parasite upon society. State action can never be identified with justice, and the mere fact that the state reacts to an offence does not constitute punishment.

There exist, consequently, definite limitations to state action in the maintenance of rights. Resistance to one violation of a right by means of a second violation is hardly more than a reversion to the vendetta. The peculiar character of the state by virtue of which it has the right to initiate action in the punishment of wrong does not give it the right to do wrong; for the state has the function of maintaining a system of rights absolutely and not merely over against offenders other than the state — unless, of course, we identify the system of rights with the state. We should distinguish, therefore, between the right of the state to be an agent of punishment, on the one hand, and the ethical basis of punishment, on the other. On purely deterrent and reformatory principles this distinction is lost. It seems obvious, however, that the right of the state to act in punishment does not determine against whom its action is to be directed, nor does it determine the nature of the action. Once we identify the ethical basis of punishment with the right of the state to protect itself, justice reduces to expedience and the state, by becoming an end in itself, tends to lose its efficacy as a means to the successful operation of a system of rights. The state regarded as an end in itself entails the danger of a *de facto* authority deliberately suspending the normal prerogatives of civilized men and women in order to preserve, not a civilization, but itself. There is no thought of punishment but only of efficient and destructive reaction, so that the normal ethical procedure of a stable society is in danger of being destroyed.

We should observe that, involved in the purpose of maintaining rights, is the purpose of maintaining such means as shall not themselves constitute a violation of these rights. Now it seems self-evident that, if the state is not itself to violate the system of rights, its action in punishment must apply to the guilty. The fact that the state is a mechanical expedient and that its ways and means are imperfect does not justify the

conclusion that its ways and means are matters of indifference just so long as it guards or attempts to guard a system of rights. Indifference with respect to means and methods of action might in the end prove to be a way to the abolition of all rights.

The question as to which offences call for state action in punishment has nothing to do with the question of the ethical basis of punishment. It is primarily a question concerning the nature of the state's special sphere of sovereignty. The fact that the ethical basis of the right to take action is retributive does not involve the right on the part of any person or institution to take action. The right of the state to take action is based upon its peculiar relation to the social and moral order. The state as the ultimate external fact of a civilization has the right to oppose by means of force such moral offences as constitute overt opposition to an accepted system of rights. All other moral offences must necessarily be subject to the authority and judgment of other institutions, such as the home, the school, and the church. The difference between the ethical basis of the state and the ethical basis of punishment becomes evident when we consider the question of the specific function of the state. Obviously that function is not to punish moral offences but rather, as we have seen, to establish and to maintain such external facts as appear to be necessary for the preservation of an accepted ideal of the good life. Inasmuch as opposition to these external facts involves the free action of persons, the state of necessity enters the domain of character and intelligence, so that its reactions will include such facts as are classed under the head of punishment. But, although relating itself to the moral life, the state must be more or less external to it. Thus it may compel me to perform or to refrain from certain actions, but it can never make me wish to do so. It may legislate a minimum wage, but it can never enforce a standard of life.

The retributive principle, therefore, by no means implies that the state ought to take action against all guilt, since the retributive principle in itself does not designate the state as the proper and natural agency for the administering of punishment. The retributive principle asserts nothing more than that whenever the state does take action it must, if the action is to be just, do so on retributive grounds. The mere fact that certain offensive acts are within the purview of the state does not in itself make punishment a factor of the moral order, since the state might conceivably act as the guardian of the social order by means of a system of repressive measures, which, of course, would have absolutely nothing to do with punishment. On the other hand, the question as to which acts are and which are not subject to state action is primarily a question of what can and what cannot be enforced.

4.

There is an argument to the effect that retributive justice for one may entail retributive injustice for others. Thus, imprisoning an offender for life is certain to bring suffering upon the members of his family, either by subjecting them to the inevitable accompaniments of the punishments itself such as mortification and heartache, or by exposing them to destitution and the contempt and suspicion of their neighbors. Therefore, so we are told, retribution cannot be an ethical basis of punishment. This argument presupposes the theory that state action in punishment is identical with punishment itself. Now as a matter of fact there are no natural external punishments. Remorse is the only natural punishment, the one punishment that fits the crime, and it is essentially a moral process. Inasmuch as it involves a judgment of self-censure relative to an ideal of the moral life, it has nothing to do with physical discomfort inflicted from without. It is a moral pro-

cess corresponding to the moral condemnation expressed by society as a disinterested moral authority, and state action in punishment is the external fact of this moral condemnation. State action, therefore, must not be regarded as punishment, but rather as a preliminary to it. Since state action is merely the external fact of society's moral disapproval, its purpose should be the stimulation of remorse, not the substitution for it. State action, therefore, should not go beyond the process of removing the offender from the status of civil personality. And this is not only the right of the state but also its duty, for the crime has rendered the offender unworthy of the rights of a free agent capable of self-censure and the dissolution of an evil will. Moreover, not until there appears to be good evidence of the nullification of the criminal will, at least in principle, should the state assume the right of permitting the offender to resume the normal relationships of social life. The methods to be employed will, of course, largely depend upon the present attitude of the offender, and it may be wise and just to restore to him gradually the rights of the normal person, temporarily denying to him some rather than all of the rights of civil personality. The purpose of state action in punishment should be that of leading the offender to the punishment befitting a moral being, thereby at least approximating his just desert. The established social order is among other things a moral order and it is on the moral level only that real punishment can take place. The state cannot of course insure this, and state action as such will usually and necessarily be confined to the nullification of the offence as a fact of the external order. But that, after all, merely checks a symptom and leaves the root of the matter untouched.

That the state has the right to deprive the offender of the rights of civil personality is based upon the consideration that the offence, being in principle an attempt at the destruction of the established order, constitutes a virtual repudiation of the

offender's own rights as these are created by the institutional structures of the order. State action, therefore, is simply the assertion of the moral purpose of a civilization. Because the recalcitrant will of the offender is not susceptible to this purpose, it can be asserted only through external action. The state thus prevents the offence from becoming a persistent factor of the established moral order, the moral level of which would otherwise be lowered. The ethical basis of state action is the conviction that the offender ought to undergo the moral process of self-censure; and, in establishing the external fact expressing the moral disapproval of society, the state attempts to create the conditions under which this process may most reasonably be expected to take place. That the state may, and frequently does, blunder here is no evidence against the idea of retribution; it is merely a proof of the short-sightedness and stupidity of men. Just how grievously it will blunder will depend upon the moral level of the particular civilization to the protection of which the state happens to be committed.

It is no more the business of the state to punish and reform than it is the business of the surgeon to cure; that is to say, state action, like an operation, is merely an attempt to create the most favorable conditions for the cure. Given the presence of such conditions, whether punishment and reform actually occur will depend upon the character of the individual, just as the probability of effecting a cure is ultimately a function of the organic vigor of the patient. The most skillfully performed operation may bring no results, but that hardly justifies the inference that the reason for performing the operation ought to be something other than the fact that the body is diseased. The objective is the health of the patient, but the health of the patient is not the occasion for the operation. Now the fact that punishment may be accompanied by the suffering of the innocent is purely accidental and by no means an integral factor of state action. Given a higher

degree of moral sensitivity, the suffering of the innocent would be an accompaniment of the degradation and humiliation and suffering involved in the offence itself rather than of the humiliation and suffering involved in the consequences. Anyway, the fact that state action does as a matter of fact bring suffering to innocent persons is no more relevant to the merits of retributive justice than the fact that a painful surgical operation involves discomfort to the patient's relatives is relevant to the merits of the operation.

We need not conceal the fact that state action is frequently, if not usually, intended as punishment itself. The ideal punishment of remorse is thus replaced by an artificial substitute which is supposed to coincide with the degree of resentment felt by the public. There would be nothing objectionable about this if we had reason to believe — which unfortunately we have not — that public resentment is on the whole a safe index to the degree of depravity expressed by the offence. It must be admitted, of course, that relative to a given level of moral insight, feelings of resentment and indignation are worthy of cultivation. We do, after all, require an adequate motive for action in criminal cases, and moral indignation is a necessary part of the moral order. A worthy resentment that must not be expressed would seem to be a contradiction. But that does not, of course, answer the question as to how it should be expressed, nor does it show that such expression is in itself an adequate substitute for punishment.

To inflict the natural punishment of remorse is entirely beyond the power of any person or institution. Punishment is suffered in the offender's conscience "at the hand of God," and it consists in an intellectual and emotional attitude toward past character and past action in the light of the judgment of God or of society as these are appropriated by the offender himself. It is this moral fact that constitutes the only possible annulment of the offence as a moral fact. The social or

Divine censure having been recognized as retributively just, evil has been manifested as evil in the mind of the offender. And to substitute for this the mechanical expedient of external "punishment" is to follow a policy not only irrelevant but actually dangerous, since it has nothing to do with the conquest of evil, which can occur only in the mind of the offender.¹⁾ Remorse or repentance is the only punishment that can in fact preserve the dignity of the offender as a human being.

Once the process of remorse is begun, society may safely allow the matter to work itself out in the struggle of the offender with his own conscience and the judgments of his fellows. For, involved in this peculiar struggle, is the loss of confidence signified by the fear of facing those individuals whose respect and sympathy are necessary if life is to be worth while. There is a loss of courage and a consciousness of inferiority which invariably removes the individual from the necessary intimacy with his fellows. Even within a society as imperfect as ours, it may be observed that for sensitive characters the real punishment is their trial and their public manifestation as anti-social and evil. And it is not unlikely that in a more ideal society the public pronouncement would be quite adequate not only as state action in punishment, but also as an instrument of reform and deterrence, the latter being secured by the social conscience and through it by the conscience of the offender. Punishment for a moral being consists in the consideration that he is a reproach to his family, his society, and his time; that he is exhibited as in principle an enemy of the race; and that his very character has become a barrier to the better life. And that this is no inconsiderable punishment is evident when we consider the reasons why some persons commit suicide. Life to them has become unbearable

¹⁾ External — especially bodily — punishment is always degrading to the adult.

because for some reason or other, such as loss of wealth or reputation or relatives, certain normal and indispensable human associations have been destroyed and are impossible of reinstatement.

True remorse, involving the struggle to obtain readmission into the ethical community, constitutes the final vindication of society's ideal person and, in principle, the conquest of evil in the consciousness of the offender. Forgiveness, therefore, consists essentially in the resumption of normal relationships with one's fellows, and in the recognition on their part that one is again united with them in the struggle for the better life. Unless, therefore, state action takes the form of an opportunity for atonement, it will invariably do much harm and no good. The objective of punishment, therefore, would appear to be reform, but reform in a very special sense (deterrence is purely incidental not only to state action but also to the process of remorse). It is the species of reform involved in remorse which involves the seeing of one's self in the mirror of other minds and wills and feelings and the assimilation of this reflection into one's own personality. Now reform in this sense is integrally connected with retributive justice, and it is the only reform worthy of the name.

In summary: The idea of retribution is fundamental to the idea of punishment. By reason of inevitable limitations, however, the state is incapable of a correct estimate of the degree of guilt; consequently it cannot impose an absolutely just punishment. The paradox here is this. Although the state must act on retributive grounds, in attempting to do so it inevitably comes short of justice. Or, better, state action must be identical with punishment and yet cannot be. State action, therefore, has its completion in the ideal punishment of remorse.

5.

Has this view of punishment any practical significance in a society such as ours? Would the degree of orderliness which we find there be at all possible without the so-called mechanical substitutes for punishment? Has the word remorse any real meaning today? Is it at all probable that the majority of offenders will take the required attitude toward state action?

Whether the majority of offenders will ever be stimulated to remorse depends quite entirely upon the moral and civic integrity of society as a whole. And that being today what it is, the chances of educating the criminal sufficiently to bring about the ideal punishment of remorse are probably not great. Too many violators of the moral order occupy seats of honor; besides, contemporary society is not at all sure of itself morally. Few if any genuine moral convictions govern the lives of the majority. The ideal person of our civilization is the "broad-minded man," i. e., the sophisticated opportunist who can see good in everything except, possibly, the moral convictions of the past. Much of that which today goes by the name of sophistication is, unfortunately, not much different from the anti-social attitude of the criminal classes; so that frequently about the only discernible difference between the criminal and the respectable moral sceptic is the fact that the former is generally more stupid and therefore in possession of more physical courage.

The result is that the problem of changing the attitude of the criminal is one of the insoluble problems of the day, since we really have no conception of what it is that we wish to convert him to. Given a widespread uncertainty of convictions regarding the difference between right and wrong, there is bound to be a dangerous uncertainty with respect to moral disapproval. Penal administration, therefore, will be either compromising and weak or brutal and inhuman. Wherever

there is lacking the necessary firmness with respect to the moral purpose and conviction of the social body, the criminal will hardly feel inferior in moral force and integrity to the system that opposes him; and there will simply be a stronger brutality keeping the brutality of the criminal in check, so that the entire period of the offender's incarceration reduces to a mere conflict between forces morally on the same plane, the only difference being that the one is victor and the other, vanquished.

Undoubtedly one of the obstacles to the reform of the criminal is the indifferent and occasionally low moral character of the so-called guardians of the law. Where the so-called servants of justice — prosecutors, jury, police, and prison officials — are persons for whom even the criminal can have little respect, it is quite unlikely that he will regard his isolation as anything more than mere discomfort imposed upon him by his enemies. An act of violence has been committed, and the state responds by means of another act of violence, frequently by the agency of individuals little more sensitive to the moral end of man than the offender himself. Under these circumstances, it is a bit too much to expect that the criminal will recognize his act as essentially evil, since it is unlikely that he will see society's reaction as fundamentally an act of moral condemnation. As a result state action in punishment will continue to be ineffective and society will be forced, simply as a matter of self-protection, to rely wholly upon the expedients of terror and repression.

The possibility of ideal punishment requires a social consciousness governed by definite moral convictions. Wherever this is lacking the state will be driven to the use of mechanical expedients; it will be forced to use repressive measures, which will necessarily become more and more brutal for the simple reason that every attempt to temper justice with mercy will be interpreted as a victory for the criminal. Sooner or later,

therefore, punitive policy will reduce to a mere consideration of public safety. The offender will be regarded not as an offender against morality but primarily as an opponent of society in a game in which, if possible, the chances ought to be against him, since in the last analysis he deserves what he gets only if he gets it. To consider him as a person does not enter into the rules of this game; like a beast he should be trapped and, if we have the courage, destroyed.

Just and successful criminal prosecution is a function of the moral development of society; the greater this development the less the force and brutality necessary to manifest evil as evil. The infliction of pain and terror for the purpose of deterrence is not punishment, but rather a form of collective revenge; and revenge has never yet begotten consciousness of sin. Of course, a lower motive such as fear may sometimes reinforce a higher one already to some degree present. On the other hand, it is only in the presence of superior individuals that the offender will be induced, if at all, to censure himself. Unfortunately, criminal prosecution and prison administration do not as a rule attract superior individuals (owing perhaps in part to the fact that men usually identify state action in punishment with punishment itself). The administration of penal institutions, therefore, has usually been left in the hands of the vulgar; and we should not expect brilliant results from that.

If punishment is to be an expression of moral condemnation, it must be integral to the values represented by a system of rights. To this state action can never be more than preliminary, since no particular external fact can of itself insure the eventuality of punishment as a moral process. A necessary — although not sufficient — condition of punishment is the prevalence of definite moral convictions, since only then can the offender be made to recognize the honesty and integrity of the social purpose. Should he nevertheless refuse to under-

stand, or show himself mentally incapable of understanding, that social purpose, there is no good reason why his removal from society should not continue indefinitely. As things are, about all state action seems to accomplish is the mere temporary removal of the offender from the sphere of free action. Society is thereupon once again exposed to his depredations and — which seems about as bad — the offender is once again exposed to the moral scepticism and insecurity of society.

Much has been said about crime prevention. Rarely, however, does one discover any recognition of the fact that about the only crime prevention worthy of consideration by a civilized society is crime prevention by way of a more serious attitude toward human sin or, as the sentimentalists prefer, human weakness; that is to say, unless we can demonstrate to the offender that we take certain things seriously and that there are some convictions by which we live and on the basis of which we mean to act, the chances of effecting a change in his outlook would seem to be negligible. Thus, when promiscuity is just about taken for granted as a prerogative of sophisticated youth, it will be difficult to convince the untrained and neglected that such a thing as rape is a very serious crime. The only fear that will adequately deter is the fear of moral disapproval; but to instill this kind of fear requires a general and fundamental conviction of the reality of the difference between right and wrong.

This is not, however, to deny the necessity on the part of society of using mechanical expedients. The point is that mechanical expedients do not constitute punishment but at best preliminaries to punishment. The state has the right and the duty of self-protection; to that end it may occasionally have the right to suspend the recognized rights of civilized

people if that appears to be necessary to the protection of more fundamental rights. However, the moment this becomes necessary there virtually exists a state of civil war. And in the case of civil war there is always the tendency on the part of the state to become an end in itself, the dangers of which we have previously noted.

Has the state the right to take life? It will hardly be necessary to discuss this question at length. The right of the state to take life is clearly implied in the peculiar sovereignty of the state, which gives to it the prerogative of the use of force. This prerogative would seem to imply the right to use it in the extreme degree since otherwise the state may as well capitulate at once to the anti-social classes. In other words, to deny to the state the right of taking life is simply to refuse to it the right of the use of force. In fact we may go to the extreme of admitting that bloodshed may be necessary as a means of shocking the minds of men to the reality of the state, the law, and the moral order. But, once again, that has nothing to do with punishment. Bloodshed is justifiable only as an accident of the process of maintaining a system of rights; and, if bloodshed is necessary as a deliberate policy we may be sure that society has long ago blundered somewhere. The degree of severity necessary to preserve the public decencies is usually a reliable indicator of the moral decadence of the society concerned.

It seems doubtful whether in the absence of religion and religious education, there can be a moral consciousness sufficiently fine and discerning to make possible the ideal punishment of remorse. This is of course not to say that men cannot be moral without being religious; obviously many do in fact respect the conventions merely for the sake of the ap-

proval of their fellows. On the other hand, it is almost certain that for the vast majority of men and women mere social approval and disapproval will not be enough to make remorse a significant factor in punishment. It may of course be possible to find a substitute for religion. Unfortunately our success in finding one has not been impressive. And it is rather obvious by this time that "moral teaching" alone has not sufficed to insure high standards of public and private morals.

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CHAPTER IX

ECONOMIC JUSTICE

1.

INTRODUCTION

ALTHOUGH distributive justice is ultimately a matter of the attitudes of men toward their fellowmen, any discussion of the subject pretending to be realistic must deal with such things as the actual and possible forms of political and economic organization. The reason is obvious. Men being what they are, social justice is not obtained by the simple expedient of telling them that they ought to love their neighbors as themselves. Only a minority really believe this and only a small percentage of that minority will actually attempt to practice it.

Beyond the minimum of wealth necessary for the cultivation of the virtues of initiative, self-reliance, originality, and so on, property has no inherent moral value. Just what a person may or may not privately own, therefore, is largely a function of the moral insight or lack of insight exhibited by the community. It was once thought respectable to regard wives, slaves, and children as one's property; in the days of Talleyrand a statesman was more or less expected to use his position as a means to personal enrichment; and less than a generation ago, no one questioned the right of the director of a corporation to use his position in building up a large personal fortune.

We have come to question the propriety of these practices, and it may be that less than a generation hence men will no longer take for granted the propriety of the private ownership of things and services "vested with public interest." Already no one seriously doubts that things and services vested with public interest ought to be regulated, that it is perfectly reasonable and just to make legal enactments with respect to what owners of public utilities may and may not do with what they privately own. Property may be used for the good or to the hurt of the neighbor, and the assumption that the neighbor has absolutely no voice with respect to its use we no longer consider self-evident. Property, in other words, is no more sacred than society will let it be, and just how sacred this is will be determined by considerations of what is good for the community, the state, and, if one be an idealist, humanity. Naturally, regulation may mean loss of efficiency, but it must still be shown that this loss would be more disastrous to society than the loss, say, of efficiency in government as a result of democratic institutions. Efficiency, in other words, is not the chief justification of an institution, whether political, educational, or economic; and where the choice is between a healthy public morale and an intolerable efficiency there can be no doubt in the minds of civilized men as to which is more in accord with the needs of human living.

That our present economic arrangements have many and grievous shortcomings no one will deny. That men as a rule easily overlook and gladly endure these shortcomings provided they themselves get a certain minimum of goods and services only some of our "advanced" pulpit economists will deny. Orthodox economic theory is based at least in part upon the assumption that if man's primary animal wants receive satisfaction he will not as a rule become dangerously excited about his rights with respect to the higher human values. In this it can be accused only of realism. How many workers in

an industrial society such as ours are at all likely to become dangerously dissatisfied with the social and economic order as long as they receive food, clothing, and sufficient low excitement to keep them occupied during idle hours? The Emperors were not essentially in error concerning the psychology of the masses when they attempted to keep them satisfied by means of food and carnivals. The scheme would have worked if it could have been continued. There can be no doubt that the masses in America are still primarily interested in the "full dinner pail" and that they do not particularly care by what theory of government and social justice they get it. Liberalism is to them as unmeaning as "rugged individualism," and if Fascism will put two cars in every garage and a chicken in every pot, that will be sufficient justification for its existence. And as long as the "forgotten man" has his animal wants satisfied he will not be particularly inquisitive concerning how the rich get their millions—usually he will be content to assign their superior economic status to such things as an early start, "luck," and, possibly, intelligence.

"Rugged individualism" is an expression which may do great service for politicians, but as a description of realities it is entirely misleading. Technology, industrial bigness, monopoly, journalism, radio, and the movies are producing a tendency to conformity which only the most original minds can hope successfully to withstand. For the vast majority of those who must make their place in the real world of today, there is little left but to mark time with as much native ability and shrewdness as they can. About the only thing that rugged individualism can mean for the majority today is that they are at liberty to make the best of the situation such as it is. And that this is not very significant would seem to require no argument. That such an expression could have been invented for purposes of political capital in our day reveals an interesting situation. There was a time when

America was largely a nation of independent farmers, mechanics, and traders. Today it is largely a nation of employes with the economic outlook of the *petit bourgeoisie*. Despite the fact that the social and economic opportunities of the worker are rapidly dwindling he is not yet conscious of himself as belonging and condemned to belong to a particular class; and he does not, therefore, think of the economic life in terms of class struggle. With the advent of the industrial revolution the European worker soon realized that he could hope for little more than serfdom unless he identified himself with a class organized politically, since only by means of numbers could he hope to obtain a hearing. Thus political democracy, originally an instrument in the hands of the rising middle class for defence against the interests of the landed barons, became an instrument in the hands of the workers to curb the power of the prospering middle class. This was not immediately evident in America, where the "radical" could live a significant human life without organizing a political party. The humble, the poor, and the maladjusted were not compelled to accept their lot as forgotten men; they could build a new city — Providence, Sharon, Fruitland, Zion City, Salt Lake City, and so on. Those unable to tolerate older communities with their well established social oligarchies were at liberty to invade the frontier and establish an oligarchy of their own. Now this traditional sense of opportunity has tremendously influenced the psychology of the American working classes. That the worker is a member of a class and that this almost unalterably establishes his social status and that of his children — this the American does not yet wish to believe nor indeed can believe.

Most people undoubtedly accept as the chief end of human life the possession of rent-paying and interest-bearing property. Heaven consists in the prospect of meeting the rainy day fully prepared. In the popular mind a person's real worth is

largely gauged not so much by his honesty, his personal integrity, his ability to see duty and follow it unflinchingly, but by his economic success and economic power. Of course, if he has accumulated a fortune and if it can truthfully be said of him that he is humble and honest in all his dealings, he may receive double honor, since we evidently feel that he has triumphed in the face of tremendous handicaps. Naturally, the moralist condemns this attitude, the patriot condemns it, the majority of decent people in their saner moments condemn it; yet, despite all this condemnation, men and women continue to act as though economic power were really the basis of dignified human living. These are the facts, and we can hardly justify them by asserting that the economic aspect of life is necessary as a means to culture. Of course, if a person is to improve his intelligence and his manners he must be able to command a minimum of wealth; but an indulgence in the pleasures and powers of wealth has never been known automatically to improve either mind or manners. As Ruskin has reminded us, the economic price of a thing is, after all, less important than its social price, which he defined as "the amount of what I will call life which is required to be exchanged for it, immediately or in the long run." Now although the social cost of a thing cannot be isolated from its economic cost, it is nevertheless the former that primarily concerns us in the examination of the morality of an economic system. From the economic point of view an unprecedented concentration of wealth may be justifiable as a necessary concomitant of industrial efficiency, something presumed to be valuable in itself; from the ethical point of view, it must be judged wholly in the light of its social results. If it makes for a decent standard of living for decent people, the mere fact that an economic system is regulated by prices and motivated by the prospect of profits and that this inevitably produces financial inequalities, is quite irrelevant. On the other hand,

should we discover that the price system entails inefficiency in distribution, it will be no sufficient answer to point out that any other system would presumably do worse or at any rate no better. The price system may well represent the best we can do, and in that case the conclusion would be that the best is not good enough. With this conclusion the economist may or may not be concerned, and he will probably wish to remind us that the best we can do must be our standard, and that anything beyond that is clearly unrealistic. The cogency of his argument is, however, entirely relative. Standards represent either a norm, or an average, or both, and in economics they appear to represent both. The conception of free trade, for example, represents an ideal which never has been and probably never will be realized; nevertheless, free trade would seem to be a reasonable goal of international economic endeavor. Here, then, we seem to have a standard somewhat beyond the best we can do.

In ethics we are not immediately concerned with the relative economic merits of socialism and capitalism. On the side of socialism we may admit that, *if* society ran industry efficiently and honestly, *if* the captains of industry were all good socialists, and therefore quite as interested in society as they are in themselves, *if* men could become as excited about honor and service as they do about profits, *if* profits, interest, and rent were divided equally among the members of society, and *if* in the name of socialism wars would cease and nations would feel safe to produce only that which they can produce efficiently, undoubtedly the human race would be better off both economically and spiritually. And, on the side of the economics of the profit motive we may admit that, *if* all competition were honest and intelligent, *if* nations were willing to specialize and engage in free trade, *if* employers could be induced to be as interested in the welfare of their employes as they now are in the integrity of profits, *if* bankers could be satisfied with

flexible profits, stockholders with flexible dividends, and wage earners with flexible wages, *if* we could adjust population to resources, *if* politicians could be made into statesmen, *if* corporations could be made to refrain from expanding and the public from speculating during the course of a boom, *if* we could divorce banking from the trade in securities — if, in short, we could control the effects of greed, shortsightedness, and dishonesty, our world would undoubtedly be as good a place to live in as it would be under the beneficent ministrations of an ideal socialism. Obviously as between the economics of socialism and that of the price system, just which is the more realistic will depend upon the nature of the improbabilities represented by their respective *if's*.

2.

THE PROBLEM OF DISTRIBUTION

Just how is the national income distributed and is the distribution just? This may not be the fundamental question of distributive justice, but it is the question with which most of us, rightly or wrongly, begin. We are promised now and then by enthusiastic socialists that, by abolishing private capital, thus doing away with interest, rent, and profit, society could abolish poverty at a stroke. They tell us that our present ability to produce is such that we could, if we so desired, secure for all families an income of five thousand to twenty thousand dollars annually.¹⁾ Although exact figures concerning the nature and distribution of the national income are not to be had, such figures as we have for England and for the United States indicate that socialist anticipations are somewhat unrealistic. In England, for example, the total home income for the year 1911 was about 1,896,000,000 pounds. About fifty

¹⁾ This interesting figure will be found on page 200 of Mr. Norman Thomas' book, *The Choice Before Us*.

per cent of this represented the income of persons getting less than 160 pounds a year, such as laborers, office workers, independent workers, small employers, and farmers. Roughly speaking forty-five per cent of the national income, therefore, may be supposed to have gone to the higher income group, that is, to enterprisers, property owners, managers, inventors, and the professional classes.¹⁾ Slightly oversimplifying, we may assert that given a more or less equal distribution of the national income for England in 1911, the lower income group would have been somewhat less than twice as well off financially. If in 1929 the national income of the United States had been distributed with mathematical equality, each family would have received somewhat less than three thousand dollars. This would, to be sure, represent a substantial increase for the majority of American citizens, but three thousand dollars is, after all, a bit less than five thousand dollars and considerably less than twenty thousand. Furthermore, in a socialistic state this increase would almost certainly be reduced on account of the "necessary inequalities" recognized by such socialists as have acquired a realistic conception of human nature and therefore realize that the number of socialists with the idealism and enthusiasm necessary to work as hard for society as they would for themselves will never be impressive. It is assumed, of course, that under socialism industry would be as progressive and productive as it is under the price system.

Naturally many panaceas have been proposed for the salvation of the poor. Some of these we may briefly review. We are told, for example, that although it is obviously impossible to dispense with tremendous concentrations of capital in modern production, there is no good reason why we cannot dis-

¹⁾ These figures, quoted by J. A. R. Marriott in his book, *Economics and Ethics*, are taken from Professor A. L. Bowley's essay, *The Division of the Product of Industry*. Clarendon Press, 1919.

pense with a capitalist class. Why not have society own the capital so that all capital earnings may be distributed among those in society who are really productive, such as laborers, managers, and inventors? To this proposal the orthodox economist¹⁾ would answer somewhat as follows. Doubtless, if we could eliminate the capitalist class and distribute its share of the national income among the other factors in production, these other factors would receive larger shares than they receive at present. But by eliminating the capitalist class we eliminate the adventure and risk of the enterpriser, and this would almost certainly reduce society's total income. Hence, it is a question whether by the elimination of one class all other classes would be better off in the long run. The assumption that we can eliminate the capitalist class with impunity presupposes the existence of a static economic order such that technical improvements, for example, will not be invented, or at least not used, until additional wants have been created (so that, apparently, people will want something before they know what it is).

Well, we shall hear, if abolition of the capitalist class entails certain disadvantages, might it not be possible to avoid them simply by redistributing the product of industry; that is to say, let us retain the capitalist class, but let us attribute less of the product of industry to capital and more of it to labor. The orthodox answer would be that, although we might conceivably do this—for example by imposing a capital levy—it would sooner or later discourage the enterpriser from assuming the inevitable risks upon which industrial and economic progress depend. Furthermore, it ought to be clear to anyone willing to examine the facts honestly that the tremendous productivity of modern industry is not the work of labor but the

¹⁾ The term "orthodox economist" will be used in reference to any person, whether layman or expert, who believes that production must be guided either by plan or by prices, and who suspects that prices offer a better guarantee of economic efficiency and progress than plan.

result of capital investment. Suppose we used all labor and no machines, how many automobiles of the type and efficiency we now have would be produced in the course of one year? In other words, the fact that labor is more productive now than it was one hundred years ago is largely due to machinery. But machinery represents capital investment and rewards paid to invention by the savers who make capital investment possible.

Naturally, at this point the original question will be put in another form: Why not have society invest in the machinery and take the risks? We shall consider this more fully when we come to the subject of socialism. Meanwhile, we may observe that owing to machinery and large-scale production the individual worker has become more productive, that owing to this increased productivity he frequently has a greater real income than he would have had two hundred years ago, but that, on the other hand, inasmuch as he has been separated from his tools, so that through no fault of his own he has been made increasingly dependent upon a certain class, he is entitled to protection against the unenlightened self-interest of that class.

Another proposed remedy for the inequalities within society is the so-called capital levy. The capital levy, of course, is simply a tax on capital; and the advocates of this tax urge that it is not essentially different from an inheritance tax. Moreover, they claim for it the meritorious power of eliminating the entire public debt at a stroke. The orthodox objection to this theory of social reclamation is this. It is true, of course, that an inheritance tax is in the last analysis merely a tax on capital, but the fact that it is imposed upon few estates at one time makes it a possible tax. That the idea of taxing all estates at once and taxing them highly enough to remove the public debt is a fallacious one is easily discovered when we consider that, if all men of property died at once, it

would be quite impossible to collect the inheritance tax. If all wealth existed in the form of ready cash a high tax upon all wealth would, naturally, be practicable. Since that is not the case and inasmuch as the tax is presumably to be paid in the form of legal tender, the question is, How can society obtain the buyers to liquidate the wealth necessary to pay the levy? For if every security holder must sell in order to pay the levy, who is to pay the security holders? In other words, to be feasible the capital levy would have to be a low one, and in that case the same ends would be much better served by an income tax. But, we shall hear, what is to prevent the state from collecting the levy in terms of bonds, shares, mortgage deeds, and so on? The answer is: Obviously the state might do that, but unless it thereupon guaranteed the present value of the bonds and securities it had impounded it would have an extremely dubious medium with which to pay the public debt. But if it actually did guarantee such a value to the impounded paper it would thereby inaugurate a policy of planned capitalism. And the difficulties of this we shall discuss later.¹⁾

A more realistic proposal, in the direction of a more equitable distribution of the national income concerns reserves for idle labor. To be economically solvent, an industry must be able to accumulate reserves for depreciation and idle capital; but, so the argument is, in a civilized community we cannot be satisfied with mere economic solvency, and unless an industry is efficient enough to accumulate reserves sufficient to insure regularity of employment for steady and conscientious workers, it cannot be regarded as socially solvent. Now it must be admitted that, if a business cannot afford to pay wages during a depression, its continued payment of unimpaired dividends is rather hard to justify ethically. It may under the price system be bad business to pay idle labor and good business to pay idle capital, but if that is an axiom of

¹⁾ See p. 302.

the profit system, so much the worse for the profit system. If the price system is incapable of giving steady employment to steady workers, if private enterprise necessarily involves the insecurity of the laborer, and if private capital cannot be made productive without social ruthlessness, then the cost of production under the price system is too high.

Of course, this sounds very high-minded, but, so we are told by the orthodox economist, it is not quite realistic. Furthermore, only a few corporations pay unimpaired dividends.¹⁾ In the first place, it must be understood that the enterpriser does not pay for idle capital simply because he favors capitalists rather than laborers. If the enterpriser could get rid of idle capital as easily as he can get rid of idle labor, idle capital would not during depressions get unimpaired dividends. But the fact is that usually a business will not have sufficient reserves to liquidate a significant proportion of its capital obligations. Furthermore, if it could and did liquidate, it might in so doing create dangerous complications for the industrial and capital structure of contemporary society. Such a policy if generally followed would adversely affect, for example, such institutions as insurance companies and ultimately, therefore, the policy holders and beneficiaries. Banks and insurance companies are not yet ready to accept securities with a flexible dividend, so that for the time being the enterpriser must either offer rigid dividends or suffer inadequate financing. Moreover the enterpriser must look after the upkeep of his equipment and he must somehow keep things going in order to be ready to supply the market when normal times return. In short, dividends remain unimpaired not because it is assumed that dividends somehow have a prior moral claim

¹⁾ Although, if we may believe the reports of the Standard Statistics Corporation, the combined interest and dividend payments for the depression year of 1930 amounted to about eight billion dollars as compared with the seven billion five hundred million dollars for the prosperous year of 1929. And this in spite of the fact that from 1929 to 1930 average earnings declined about thirty per cent.

but simply because in the long run it is cheaper to pay unimpaired dividends than to refund securities—although, as a matter of fact, a long continued depression does sooner or later result in the reduction of dividends.

This argument, although economically sound, does not, of course, touch the ethics of unimpaired dividends during depressions. If both labor and capital have become less productive, then to penalize the one and not the other may be perfectly rational economics, but it is quite unintelligible ethics. As a matter of fact, we seem to have a sort of antinomy here. Thus the owner of securities might reason that he has put his honestly earned money into a business and that it is not his fault if it happens to be non-productive. The money is there and, since it is not returned, it may be presumed to have the status of useful capital. Its present usefulness may differ from its normal usefulness, but it is nevertheless useful. The worker, on the other hand, might reason that refunding a security is not at all analogous to throwing people out of work. A refunded security may represent so much non-productive money, but non-productive money can easily be converted to other uses, such as, for example, the satisfying of consumer wants. And this is not true of non-productive labor. We must, therefore, take a broader social outlook: Either the investor must have some or all of his securities refunded or, if that appears to be impossible, he must consent to a reduced return and thus share with the other factors in production the misfortunes of depressions. Of course, the difference between his normal income and his depression income should go to society.

As we have seen, the real objection to flexible dividends is not moral but economic. The holders of bonds are the banks and the insurance companies, and a reduction in the rate of interest might impair the value of securities and thus endanger the solvency of these institutions. One might, in this connec-

tion, wish to point out that a reduction in interest rates appears to have been accomplished rather successfully in Australia during the present depression. To this the orthodox would probably reply that Australia is not America, and that what may be possible in an agricultural country may be quite impossible in a country highly industrialized. Anyway, the idea of making idle capital share the discomforts of a depression is not morally objectionable, but to bring it about would require a radical change in the methods of industrial finance. Moreover, it is a question whether the end in view might not be better achieved by a wisely graduated income tax.

The contention that modern industry owes the steady worker a living is not wholly nonsensical. Unless we resume production on the predepression scale, a large proportion of labor must remain unemployed. Now it is precisely the organization of corporate industry that has made this scale of production necessary. The industrialization of the West has enormously increased the population of modern states, and by persistently increasing the dependence of the workers it has created the great disfranchised masses of our day. It may be true that, without the modern forms of capital the laborer could not possibly be as productive as he actually is. But there is another side to the picture. The fact that the laborer has become increasingly dependent upon other factors in production is largely the work of modern capital; and it is rather strange moralizing to tell the worker that he ought to be thankful to capital inasmuch as without capital he can do nothing, when as a matter of fact capital has first made him helpless. If labor must wait for capital to give it a chance to be useful, this is certainly of primary interest to society at large; and a group within society as powerful as that represented by modern corporate industry should at least be made to acknowledge its responsibilities to society either directly by compulsory unemployment reserves or indirectly by taxation. Under the

conditions of modern corporate industry, unemployment reserves are ethically mandatory — unless it can be shown that they constitute a practical impossibility.¹⁾ Unemployment reserves are certainly preferable to government doles and other forms of public benefits; they go directly to the unemployed rather than to the public treasury, and the individual laborer has the moral advantage of realizing that the payments do not represent charity but something he has earned. Of course, this means an additional fixed charge upon production, but it is not clear that it could not be met at least in part by a reduction of other fixed charges. If unemployment reserves were compulsory, with the result that returns upon securities were lowered throughout the entire industrial system, it is at least not self-evident that investors would be thoroughly discouraged from investing. Naturally there are limits beyond which additional fixed charges become a handicap to industry; nor must the factor of unemployment reserves be expected to solve all the problems of unemployment. However, the fact that we cannot achieve perfection does not absolve us from doing the best we can.

In order to eliminate at least one cause of the present inequitable distribution of the national income, the orthodox propose that we try to control cyclical unemployment and, if possible, periodic business "booms." Ultimately the thing that makes booms possible is human greed compounded with human stupidity and shortsightedness. Each tries to make as much money as he can in as short a time as possible. Prices rise and men become excited, order ahead, expand plants, and borrow until sooner or later they find themselves dangerously encumbered with plant, raw material, and other people's money, all of which eventually results either in profits or in

¹⁾ In which case the socialist has a respectable argument when he maintains that a system which cannot keep good workers steadily employed is not a working system.

bankruptcy. Sooner or later something snaps, with the result that plant, raw material, and other people's money are suddenly converted into a mountain of debt. Meanwhile, the stock market, by making credit easy, functions as an accelerator, for the easier the credit the more fanatically men believe in the golden future. Hence corporations expand and issue stock, market propaganda meanwhile seeing to it that the public is ready to buy and to participate in the blessings of progress. The public is, of course, not told that everything depends upon the reality of the rosy future and that if the future should not turn out to be as rosy as they are made to believe they are merely putting good money into expanded but idle plants, things that have a way of losing their value more rapidly than almost anything else. Eventually we reach a point where the consumer is unable to consume all that the expanded plants are capable of producing, not because it is physically impossible for him to consume more but because, as the economist would say, he commands no "effective demand." This might conceivably be avoided if labor, for example, received a greater share of the returns of industry; but it is difficult for labor to receive more, for the simple reason that the monetary returns of much of the boom expenditure must come in the future. If, instead of borrowing cheap and easy money, the enterpriser could be induced to invest merely his earnings, many subsequent evils would be prevented. But the expansion of plant and productive capacity merely on the basis of present earnings is, naturally, a process much too slow for the excited business man, who prefers to take a chance on future returns rather than to live on a cash basis. With borrowed money he can expand now; with his own he can expand only in the future when the golden opportunity may be gone. And so he issues stock, accepts other people's money, and increases his business, which of course increases the value of the original stock until eventually it commands a

price far beyond the present value of his business. Now if the expected future earnings materialize, no harm will result. Eventually, however, so much is produced that not all of it can be sold at a profit. Not that industry is producing more than consumers can use but, since production runs ahead of the returns to both capital and labor, industry is producing more than the consumers can afford to pay for at a price which will enable the enterpriser to make a profit. The consumer, in short, cannot pay cash on future returns. The result is curtailed production, deflated stock prices, contracted credit, and unemployment. And it is this situation that journalists like to characterize as "poverty in the midst of plenty." How avoid such disasters? There are only two ways. Either a boom must be controlled by the caution and common sense of enterprisers who refuse to get excited when prices rise and are willing to expand productive capacity only within the limits warranted by actual present earnings, or society must so organize its financial structure that excited enterprisers have no easy credit at their disposal.

Now there are some people who will wish to know why we cannot use the plenty created during a boom for the relief of poverty. The orthodox answer is this. The enterpriser has contracted debts, which he had intended to pay by means of those future returns which have somehow failed to materialize; he must, therefore, try to sell his "plenty" in order to pay his bills. Having gambled on the future, he has thereby assumed certain obligations which he must meet if he is to remain solvent. In short, whatever he may have over-produced really belongs to his creditors. Furthermore whatever cash reserves he may have on hand must be used to meet fixed charges; he must somehow keep his business going, since otherwise he may be unable to do business when normal times return. As a matter of fact, if bad times continue long enough the drain upon his capital may be such that with the return of normal

business conditions he may find himself unable to compete in the new market. And, in that case, he is just as certainly ruined as the meanest laborer.

What about the personal fortune built up by the business man during a boom? The answer is that undoubtedly a considerable amount of it has gone the way of boom wealth generally, and it is not likely that he has very much actual cash to show for his pains. He has probably been infected with the usual boom excitement with the result that he now has a lot of paper which, as long as industry remains relatively unproductive, has comparatively little value. On the other hand, he may have had the foresight to preserve some of his earnings by investing in so-called gilt edge securities. In that case society may force him to share the burden of bad times with others by imposing an income tax — unless, of course, he has put his earnings into tax exempt government securities. However, government securities will usually take care of but a small percentage of the total earnings of society — unless the government should continue to incur expenses at the rate at which it has incurred them during the last three years (1933-1936); in that case, however, it may be doubted whether business men would be eager to put their personal savings into government securities, and they would probably begin to invest abroad.

We may not be able entirely to eliminate the business cycle, but there is no reason to believe that we could not modify its severity if we really wanted to. As we have previously noted, we must either make people less greedy and less stupid or, if that appears to be a vain hope, we must arrange our financial structure in such a way that greed and stupidity will in the future be less effective. We must either make men more moral so that they will not choose to gamble, or, if they must gamble, we must make it increasingly difficult for them to do so. The most obvious device is, of course, making credit difficult to get before the dangerous disparities in price movements of a

boom are upon us. The problem is, How can we prevent securities from representing fictitious values? To what extent should future earnings be allowed to determine their market value? An adequate solution of this problem must, of course, be largely an experimental matter. Speaking *a priori* we may say that as a matter of elementary morality, debts which have no reasonable certainty of being paid should not be contracted.

We are told from another quarter that the national income ought to be distributed according to the rule, "From each according to capacity, to each according to need." This rule if taken literally seems to presuppose human perfection; at least, it would seem to be unworkable unless most people were sufficiently enthusiastic about the merits of a new social order to be willing to work for the benefit of others. The more able would have to be willing to take care of the needs of the less able — unless we assume that always and everywhere the less able would have fewer needs. In general, everybody would have to decide for himself just how able he was, and he would have to be sufficiently enthusiastic and trusting to do his best, meanwhile allowing to society the prerogative of distributing the goods he produced. That the majority of human beings will ever acquire the necessary brotherly love, however, and the necessary respect for the judgment of officials representing society seems extremely doubtful. What accomplishments in the way of heroism and sacrifice may be possible for the few we do not know, but we do know that the majority will always be incapable of disinterested labor.

A somewhat more realistic version of the rule we have just considered is this: "From each according to capacity, to each according to service." But even this will not really work unless we presuppose a communistic system so perfect that capacity and service are invariably proportional. A farmer may be intelligent and energetic, but if he is situated on a bad farm he is bound to be non-productive. A worker may be

conscientious and skillful, but if his tools are bad or if he is badly located and not well managed, his labor will invariably be inefficient. If a mill is badly equipped and unfortunately located, its products will not sell for enough to keep it going, and hard and honest work on the part of both management and labor will simply be wasted. Both labor and management may, under these conditions, be morally entitled to a living, but their moral claim will not insure a living. In other words, we may identify the moral and the economic process only in case we have complete control of physical conditions — and that this is impossible for human beings needs no demonstration. Furthermore, the rule, "From each according to capacity, to each according to service" may be used to justify any division of the national income whatsoever. The manager of a corporation deserves more than the worker, because obviously his work is more important. Industry is impossible without competent managers, and competent managers are few. Naturally industry cannot do without workers, but workers are plenty; and one mistake by the manager may have more serious consequences for profits than a dozen mistakes on the part of the worker. The manager occupies a more crucial position in industry than the worker; therefore, his responsibility is greater; therefore, he renders greater service; therefore, he is entitled to more of the national income. There will always be the able and the less able no matter how equal we make opportunity. Obviously, the able ought to be entrusted with the more important services. Human nature being what it is, the more able will not usually perform these services efficiently without adequate recognition, and the sort of recognition that we can count upon to be pleasing in the sight of most men is financial remuneration. Under more ideal conditions many a present laborer might be a manager and *vice versa*, but that would not alter the fact that industrial society would be divided into managers and laborers and that the

former would have to be more significantly motivated than the latter — unless we could achieve an industrial and social order so perfect that many laborers could at a moment's notice assume the functions of managers. Or, assuming less ideal conditions, a given manager might have to compete with a considerable number of able men ever in readiness to supplant him, but it would still be necessary to maintain a reward differential in order to have a supply of men willing to supplant a manager. Whatever the situation, it could always be asserted that all men, whether laborers or managers, were being remunerated according to service.

There is a theory of distribution which is customarily held by those who have met with success under the present system, and it is this. Naturally, men ought to be rewarded according to merit; and, inasmuch as the economic process if left alone invariably rewards merit, financial success is in itself proof of merit. The underpaid laborer has only himself to blame. In fact, he is not really underpaid any more than the millionaire is overpaid. The latter has, and the former unfortunately has not, made the best of his opportunities.

That the economic process unerringly rewards the faithful is undoubtedly the theory of the majority of the wealthy, who are naturally inclined to regard their hereditary privileges as society's reward for meritorious service. Now obviously the theory that those who get this world's goods in abundance must be or must have been particularly useful to society, assumes the existence of a perfect world. The owners of capital undoubtedly render an important service, but this is more often a privilege than a burden. Few if any wealthy persons feel the weight of their service sufficiently to make them wish that it might be otherwise; and as a rule nothing is more certain to arouse their native meanness and combativeness than the threat on the part of others to relieve them, or at least to share with them, the hardships and responsibilities

of their tremendous social service. Undoubtedly there are to be found very able social servants among the privileged classes; but that may be attributed at least in part to the fact that wealth has a way of creating opportunities for social service which must in the nature of the case be denied the poor. We should, therefore, not blame the poor for not having abilities which they have been prevented from obtaining.

In this connection, it will be convenient to discuss briefly that amusing theory which postulates the identity of the economic and the moral processes. According to this theory, man's selfishness miraculously turns out in the long run to be God's providence. This is, of course, the most radical and most naive interpretation of the idea of *laissez-faire*. In its original purity, it is found only in old-fashioned text books or in modern text books written by old-fashioned people. The argument is briefly this. There is a creature called the "economic man" who, being intelligently selfish and also in command of some factor of production, whether capital or labor or inventiveness, will tend to apply this factor wherever he can get the highest return. His just share of the industrial product, therefore, will tend to equal the most he can get, because whatever he may be able to get must ultimately be determined by the price of the thing he helps to produce or the service he helps to render. Now this price is determined by the consuming public, which is made up of both himself and all others directly or indirectly instrumental in the production of the article or service in question; so that just what proportion of the price will be his, will depend upon society's judgment as to the importance of his service.

As a description of certain abstract tendencies this theory may be permissible; as a description of realities, it is quite inadequate. Where two factors in production such as, for example, capital and inventiveness, are both indispensable, they are obviously of equal importance and therefore pre-

sumably entitled to equal remuneration. Again, the assumption that a person is free to apply the particular factor in production which he commands wherever he can get the most for it may correspond to realities in the case of the capitalist and, possibly, in the case of the inventor, but it is rarely true in the case of the laborer. The latter usually does not know just where he can get the most for his services, and as a rule he would not be able to go there if he did know. Furthermore, labor is an indispensable factor in production and therefore logically of the same importance as capital. But the returns to labor must be divided among many more individuals than the returns to capital, so that although both factors receive approximately equal remuneration, the individuals in question do not. Consequently, whether the individual laborer shall receive a decent cultural wage will be a function of the accidental factor of numbers. Now the fact that there are too many laborers is, of course, the bad luck of the individual laborer, but the assumption that he has no moral right to any more than he actually gets because it happens to be his misfortune to belong to a certain class, is ethically preposterous. It may be that under the price system nothing can be done about this, and that under any other system no one would be any better off; but that is not the point. The point is that, whatever the system, the fact that a man's income is determined by unfortunate but morally irrelevant circumstances signifies that the economic process is not identical with anything moral.

Consider, for example, the factor of capital. Obviously its productiveness does not depend entirely upon the individual who owns it but, in fact, very largely upon the ability and talent of managers and technical experts. It cannot be denied that, in the final analysis, it is possible to have capital without a capitalist class; it is, on the other hand, quite impossible to have labor and technical expertness without persons who do

the work and supply the brains. It is, therefore, an open question whether the individuals representing capital are morally entitled to as much of the national income as they actually get. Of course, just how much of the returns now going to capital can be safely transferred to some of the other factors in production is an experimental matter. On the other hand, if the social conscience demands a certain standard of living for all, there is no reason why such a standard should not constitute one of the conditions under which the men of capital shall be permitted to invest. There is nothing confiscatory about this, and the only question under the profit system is, What are the limits beyond which enterprise is in danger of becoming stagnant? In any event, just what proportion of the price of a given product a person gets will be determined largely by the demand and supply of his kind of service rather than by the importance of it. If the kind of service he is able to supply can also be supplied by others, although its importance remains the same, its remuneration may drop below the level of subsistence. Once more, therefore, the ethical process and the economic process appear to be two different and incommensurable things.

The problem of distribution is both economic and moral, and the specific problem under the price system is that of adjusting economic considerations to moral ones in such a way that a level of production can be maintained which shall insure to all at least an income beyond the mere subsistence level. Any society incapable of achieving this, but at the same time permitting tremendous discrepancies between rich and poor, is not morally solvent; and the idealists in such a society must not be blamed if they propose to try something else. After all, it is better to perish in the service of an ideal than to live under conditions which make it impossible for the majority to respect themselves. Hardship and want are easily endured where they are honestly shared, and an equitable dis-

tribution of a diminished national income is ethically preferable to abundance with strife and discontent. With respect to production, it is obviously impossible to say just how much of industry's output belongs to this factor in production and how much to that. In view of the fact that the prodigality of modern industrial output is largely the result of technological discoveries, one would suppose the chief rewards in an industrial society to go to the inventor and the engineer. But, although the inventor may sometimes be better off than the laborer, as compared with the rewards of those who shuffle shares and play the game of financial strategy, or the rewards of those who already have this world's goods in abundance, the inventor's portion is not impressive. This may be necessary from the point of view of economics, but it is little short of an outrage to morality; and any system requiring the necessity of this outrage, whatever else it may be, is at least not just. A society that leaves both production and distribution to man's "natural instincts" may achieve productive efficiency, but it does not seem to achieve much of anything else.

There is, however, an academic answer to this which amounts to the contention that, given efficiency in production, efficiency in distribution will take care of itself. If industry produces efficiently it can sell its product for a lower price thus encouraging and, in fact, aiding consumption, and this makes for a high standard of living. Since it is obviously to the interest of the manufacturer to have his product widely distributed, he will naturally be as efficient as possible in order to make his product as cheap as possible in order to sell as much of it as possible in order to make as large a profit as possible. Meanwhile all this intelligent self-interest on the part of the producer works out for the good of the consumer who, thanks to the profit motive, gets cheap goods and services and may, therefore, be presumed to be getting more contented and better educated every day. Furthermore, industry is per-

petually seeking new markets, and if it cannot find new markets for old products it will seek to invigorate old markets by means of new products. By creating new demands, thus transforming luxuries into necessities, it provides employment for the masses; and, inasmuch as industrial efficiency brings the newly created necessities within the reach of the workers, industry under the price system makes for a high standard of living. With respect to depressions, we are admonished to remember that they are not entirely assignable to the price system. Thus the present industrial maladjustments are to a considerable extent the work of those politicians who permitted the nations to ruin one another by war and thereby bequeath to the present generation a heritage of suspicion, fear, and bankruptcy. Furthermore, although we are in the throes of an unusually severe depression and many have been unemployed for years, no one is actually starving. Now — and this is the point — the unemployed are not, in the final analysis, fed, clothed, and housed by the government, for the government has not one cent which it does not collect from others. In the United States, therefore, the situation is really this. Since the credit of the government is based upon its ability to collect, since its ability to collect depends among other things upon the wealth of the country, and since the wealth of the country has been created under the price system, therefore, if the credit of the government is still good — which in fact it is —, the profit system appears quite capable of meeting the demands of distribution even during a depression.

We shall examine this argument when we come to the subject of the fictions and abstractions of orthodox economics. Meanwhile, we may observe that if the profit motive always leads to efficiency, if efficiency invariably means good wages and low prices, if industry can create new wants almost at will, and if depressions are largely due to the stupidity of politicians, then obviously the profit motive will always tend to

approach complete distributive justice. On the other hand, what are the facts? The profit system has never operated under better auspices than in our own land. We have always been free from the economic devastation of feudal traditions, the country has been developed by the best European stocks, and we have achieved a technical skill which is probably not surpassed anywhere in the civilized world. We have at our command one of the richest concentrations of land, timber, minerals, and water power to be found anywhere. And of all the industrial nations we are the only one without the problem of surplus population. If the profit motive ever had a chance to demonstrate its efficiency it has surely had it here. Nevertheless, we have our bread lines, our permanent unemployables, our undernourished by the thousands, and we face the prospect of an agricultural class reduced to peonage. In addition to this, we have developed the extremes of luxury and poverty and the destructive social stratifications which have been the ruin of other civilizations. Whatever the reason, American industry has not been able to feed and clothe our scant population without the aid of extra-economic agencies. In other words, the profit system has not automatically resulted in adequate, to say nothing of just, distribution. A fair test of the remarkable efficiency of any system would be whether it can keep men gainfully employed. Industry under the price system has not been able to accomplish this, and if the race can reach its greatest cultural and material heights only through the realities of the profit system, the possibilities of human nature are not impressive. A social system which reduces economic history to a series of disasters and recuperations and the worker periodically to a charge upon the state, cannot be said to be overwhelmingly successful. If the present economic order spells efficiency, then clearly efficiency is not enough. And if the socialist will confine himself to exposing the defects of the present order his thesis will always

be respectable. A system to be called economically efficient should not only be able to provide present necessities, but it should be able to do this without thereby planting the seeds of future economic disasters.

3.

THEORY OF THE PRICE SYSTEM

The most famous theoretical justification of the price system is, of course, Adam Smith's *Wealth of Nations*, wherein is expounded a theory which may be called the doctrine of pre-established economic harmony. All men are predominantly selfish. On first consideration, one might suppose this to be harmful. However, the race has survived and seems indeed to be getting more and more prosperous. We may conclude, therefore, that man's natural selfishness is God's providence, so that all the selfish ends of all men taken together somehow produce prosperity.

Now there was some justification for this pleasant theory in the days of Adam Smith, when it frequently happened that competitors in their attempt to get more profits actually improved the quality of their merchandise or lowered prices. Evidently, therefore, two or more men acting selfishly actually produced a state of affairs beneficial to the consumer; and so it was perfectly natural that the idea of a completely independent and uncontrolled commerce should have come to be regarded as the essence of scientific economics. If the self-interest of business men means more and better and cheaper goods, then the more selfish they are the better; and so the slogan of sound economics was, Let us continue in sin that goods may abound. Unfortunately, it was overlooked that sin has more than one way of achieving its ends and that competition has physical limitations so that inevitably there would be some business men who lost. Sooner or later, therefore, the

merchants were bound to discover the economic error of their ways. They would discover that combination, price pegging, monopoly, and advertising are frequently less painful ways of getting profits than the constant competitive strain of improving quality and lowering prices. A naturally selfish producer would soon discover, for example, that it costs less to advertise than to maintain an expensive staff of research engineers, and the more selfish he happened to be the sooner he would probably see this. And so today, with our mammoth mergers and shrinking markets, competition obviously no longer works after the pattern of village butchers and bakers competing for the local market.

One should, of course, distinguish between the theories of orthodox economics and the facts of actual business practice. What the economist has to say about tendencies should not be identified with what business men actually do any more than what the physicist says about laws should be identified with physical events in all their concreteness. The profit motive, for example, will induce business men to seek the protection of the government for inefficient industries. No economist would sanction that. Furthermore, even the orthodox no longer assume that the profit motive as such will insure social and economic justice. And many of them are apparently satisfied merely to point out that, although the competitive system is far from perfect — assuming that it can really be kept competitive — it is nevertheless a system that can make very profitable social use of individual initiative. Private gain is a potent incentive to production, and if a man produces he provides employment, and if he makes a profit he can at least be taxed. Self-interest is a primary fact of human psychology, and any society seeking to do without it will eventually reduce itself to a stagnant and unprogressive social order. To realize the benefits of civilization and culture, we require a relatively high standard of living, and this can best be achieved by a

system which encourages superior individuals to do their best. And philosophers, saints, and idealists excepted, the surest way of getting the best out of the majority of superior men is to appeal to their visible self-interest. Of course, it might be argued that, if everyone loved his neighbor as himself, we should all be prosperous; but it seems to require considerable faith and moral discipline to see this, whereas neither faith nor intelligence are required to realize that money in one's pocket now has its advantages. In other words, a system under which the individual works for his own immediate advantage seems to have a better guarantee of productiveness than one under which he profits as the result of a doubtful concern for him on the part of others. For the vast majority of human beings will always have more faith in their own good intentions toward themselves than in the altruism of their neighbors.

To get work done and things produced, society must provide the necessary stimuli. Now appeals to the love for humanity, or the common good, or the neighbor, or justice, may constitute adequate stimuli for saints and visionaries, but they will simply not work with the average run of mankind. Most human beings are made of common clay and therefore quite incapable of the enthusiasm necessary to work for the realization of an ideal, however inspiring that ideal may be to the few not made of common clay. Sainthood and enthusiasm are, unfortunately, not hereditary, so that the second and third generations, reaping the benefits of the work of the martyrs, invariably learn to take things for granted and sooner or later begin to feel that life after all is rather dull. Very few people will get excited about the *status quo* unless they have vested interests to protect. A vision of the good life may make men able and willing to work, and it has an undoubted moral superiority over competitive self-interest; but to catch that vision is not within the spiritual circumference of the majority.

There will always be a minority capable of rejecting this world's goods for the sake of saving their souls, but any economic theory based on the supposition that this ability is common property is sadly unrealistic. A faith that can inspire men to a life of well-doing is not noticeably abundant; and any society basing the production of goods and services upon the ubiquitousness of such a faith would be extremely short-lived. For purposes of economic justice, it is manifestly wiser to depend upon the manipulation of man's natural selfishness than upon the noble impulses and idealisms of a minority.

The heart of the price system is private enterprise, and the soul of private enterprise is profits. In this connection, it will be convenient to distinguish between business and industry. Those engaged in industry—workers, technical experts, managers—are interested in producing goods and services, whereas those engaged in business—stockholders and directors—are primarily interested in controlling the economic value of goods and services. Efficiency, good working conditions, and good wages may or may not mean profits, and where they do not, they will usually be absent unless extra-economic considerations, such as the demands of public policy or the moral scruples of the enterpriser, dictate otherwise. Under the price system the central personage is the enterpriser, whose functions are those of organizing and directing business and speculating on price changes. Since he must usually pay wages, interest, and rent long before he can be absolutely certain of a profit, he is said to assume a risk. And the reward for assuming it is called profit. If a business is small, the enterpriser may also be the manager; and, if it is very small, the enterpriser may be manager, wage-earner, bond-holder, stockholder, and rent-receiver all in one. If a business has the size of a modern corporation, interest goes to the bondholder, rent to the owner of the buildings, or the land upon which the buildings are located, or both, wages to the

workers, and profits to the stockholders. The enterpriser, in other words, may be one person or many, and if many, the financial management of a business is centered in a board of directors more or less responsible to the stockholders. Theoretically, the enterpriser risks only his own money. He does not risk wages, which he must pay long before he can be sure of an adequate return; he does not risk rent, which is paid as long as the property is in use; and, finally, he does not risk the money of the bondholder, which is safely stored away in the form of capital equipment. That the enterpriser actually *risks* his money is evidenced by the fact that its safety and its earning power depend upon such problematical things as price changes, the efficiency of employees (workers, managers, experts), competition, political disturbances, natural calamities, and credit policies. To manipulate all these factors successfully requires considerable skill; actually, therefore, profit may be said to be the reward not only for taking a risk but also for exercising skill — although, of course, the greater the skill the less the risk. Profits neither increase prices nor reduce wages. If a certain commodity commands a given price, it will continue to command that price irrespective of whether the producer makes a large or a small profit; that is to say, the enterpriser who is capable and efficient will make a good profit, and others will not. For example, the fact that an inefficient farmer working poor soil makes no profit will make no difference to the price of wheat or the price of labor.

The beauty of the price system is said to consist in the fact that, although it operates amorally, it nevertheless determines quite automatically the just rewards of capital and labor. Thus, if the total value produced by a corporation is great, and if the machinery that produced it is scarce but highly efficient, it is but natural and just that the owners of this machinery should receive a large share of the value produced; if, on the other hand, machinery is plentiful and not particularly efficient, whereas labor is both scarce and efficient, evidently capital

will get less and labor correspondingly more of the value produced. And the fact that neither capital nor labor would get much of anything unless there were efficient and skilful enterprisers shows how indispensable profits are. Undoubtedly, it is to the advantage of capital that machinery should be both scarce and efficient, but, on the other hand, it is reasonable to suppose that usually efficient machinery will create new wants so rapidly that many more machines, and therefore many more laborers, will be required to satisfy the additional wants.

Human nature being what it is and corporate industry being what it is, the amorality of modern industry is simply something to be expected. The profits of an industry or group of related industries go to a large number of individuals who as a rule have no interest in nor knowledge of the business in question and who are primarily concerned with the greatest possible return upon their investment. As for the enterpriser — naturally, he tends to regard wages as simply one of the costs of production, so that the welfare of the individual worker is quite incidental to the making of a profit. Of course, he has no objection to giving the worker decent treatment, just so long as this does not stand in the way of dividends. But as an enterpriser he must, within safe limits, regard all things, even the welfare of the worker, as subordinate to profits, since for the corporation the court of last appeal must be its own economic good. Fortunately, so it is alleged, the economic good of the corporation usually coincides with the economic good of both worker and consumer; consequently, the enterpriser may as a rule safely disregard sociological considerations, just so long as he avoids corporate fraud and other forms of downright dishonesty. The members of a corporation stand aloof from everything save dividends, and they should not, therefore, be expected to take a moral and sociological attitude toward the factor of wages — not because they are worse than others, but rather because

they tend to think abstractly, i. e., in terms of profits only, forgetting the toil, suffering, and social decline that frequently go into the making of a profit.

The average investor has, of course, no immediate contact with labor, and such contacts as he does have are usually confined to the extraordinary ones incidental to labor disputes, strikes, and violence, contacts obviously not designed to give him a more humane view of the position of the worker. Furthermore, he does not invest his money primarily for the purpose of giving others a chance to make a good living, or for the purpose of erecting a better social order. Not that he objects to these things, but they are simply none of his business; his business is to get dividends. And in this respect he is not essentially different from other men. Thus the lawyer is a lawyer either because he happens to enjoy that sort of work, or because he wishes to be a public person, or because he hopes to make a good living, and not, as a rule, because he has a passion for the maintenance of justice. Few men choose the medical profession because of a profound compassion for the sick and unfortunate. How many college professors have elected the teaching profession because of an irresistible urge to make others see the truth? Now no one blames the physician for doing the sort of work he does merely because he happens to like it, or the scholar for entering the teaching profession primarily because he wishes to have leisure for research. Why, then, should the enterpriser be considered a particularly bad influence merely because he happens to like the game of business?¹⁾

1) The answer is: Private capital and private enterprise are under attack just now, not so much because people suspect the legitimacy of profits, but because they have somehow received the impression that incidental to the game of profits there has arisen a considerable amount of personal and social unhappiness. We should attack the teaching profession no less vehemently if it trained a generation of anti-social individuals, or the legal profession if it became essentially parasitical. All this is, of course, entirely apart from the question of whether the scramble for profits is worthy of human nature at its best, or whether the practice of law or medicine for the sake of fees is a noble ambition.

According to the theory of the price system, the relation of the government to legitimate business is both regulatory and supplementary. In the capacity of regulator, the government should see to it that competition remains genuine competition and that it is carried on according to the rules of honest business. This means among other things that no government should by means of tariffs and subsidies protect and foster inefficient industries. Nations should specialize and develop those industries for which they are peculiarly fitted; and they are peculiarly fitted for a given industry if they possess the appropriate natural resources. To use capital in order to develop an industry which the nation cannot really afford is simply to indulge in a needless luxury. To get the most out of the price system, therefore, the nations should concentrate upon the development of international trade. Furthermore, they should strive for peace since wars disturb the international industrial equilibrium and thereby induce nations to try national self-sufficiency, with the result that the standard of living for all nations is lowered. International specialization spells low costs, low prices, efficiency, and therefore, a high standard of real wages for the masses. Today, partly as a result of the war and partly as a result of retaliatory measures against aggressor nations in the matter of tariff barriers, the nations have stifled international trade, and the result has been universal unemployment and distress.

Government should not only regulate, but also supplement the activities of private initiative. There are some important social and economic matters concerning which the community necessarily takes a longer and a wider view than the individual enterpriser who, it must be admitted, is motivated largely by considerations of immediate self-interest. There are important services such as, for example, the maintenance of highways, sanitation, and education, and the conservation of natural resources, places of natural beauty, and historic

monuments, which, if left to individual initiative, will obviously not be performed with the efficiency demanded by an advanced society. There are, of course, exceptions to this rule. Thus education is sometimes maintained by private individuals or associations of individuals, but the motivation is invariably non-economic; that is, the motive is either religious, or sentimental, or a matter of "building one's sepulchre," as in the case of endowments with "strings" and names attached.

The state is, of course, legitimately concerned with the exploitation of the public by abuses arising out of monopoly. Certain services, called natural monopolies — power, light, telephone —, are supplied most efficiently when competition is limited. Considerable capital is required to get these services started and, unless there is some guarantee of restricted competition, they do not really pay. On the other hand, relative freedom from the restraints of competition easily leads to exploitation, so that here the government has a legitimate concern. And, under the price system, it would perhaps be advisable to have these services regulated by public authority. However, where such regulation proves to be practically impossible there is no good reason why these services should not be operated by the government. Naturally, the government is perpetually concerned with such things as fraud, "business piracy," and the adulteration of goods. This, however, cannot really be regarded as government interference with business, for piracy and fraud do not constitute business in the usually accepted sense.

In order to do business, the enterpriser must recognize facts and conditions. That the physical and moral welfare of human beings should constitute one of these conditions ought not to be strange to a civilized mind. The enterpriser knows that, in order to engage successfully in business, he must recognize certain limits — limits of natural resources, of human intelligence, of human physical endurance, and of

human demand. And there is no reason why he should not be compelled to recognize such limits as appear to be involved in a civilized conception of the welfare of the laboring classes. The state, therefore, has every right to say to him, If you desire to do business within the confines of this commonwealth, these are the conditions: No employment of children, limited employment of women, sanitation and safety for the workers, and a minimum real wage — although this last may be difficult to determine in practice. Anyway, there is no good reason for supposing that by improving the conditions of work and, consequently, the morale of the worker, industry would necessarily be forced to curtail production or to become inefficient.

Before considering the subject of the fictions and metaphors of orthodox economics we shall briefly consider a very peculiar criticism of the profit system championed by certain theologians.¹⁾ According to these critics, the price system — or at least as it is reflected in modern business and modern economic theory — represents an ethic wholly at variance with the ethic of Jesus. The ethic of Jesus, so we are told, commands us to seek first of all the Kingdom of Heaven,²⁾ whereas the ethic of the profit system bids us first to seek the kingdom of Mammon and all other good things will be added unto us. The former seeks to establish human happiness by direct action, that is, by mutual aid and self-limitation; whereas the latter assumes that human well-being is best obtained by indirection: Let men be selfish; this will make them efficient; consequently, they will be happy.

1) For the sake of convenience we shall in the sequel refer to these critics as pulpit economists, and we shall have in mind especially those students of the Christian religion who appear to regard the four gospels primarily as moralistic introductions to the problems of industry, public finance, international law, and criminology.

2) By the term "Kingdom of Heaven" these critics usually mean an orderly and pleasant mundane existence characterized by sweet reasonableness and "morality" — not excluding, of course, a proper interest in science, literature, and the arts.

Now there can be no doubt that these two counsels of perfection are diametrically opposed, and the pulpit economists have no particular difficulty in pointing this out. In the words of one of their most persuasive spokesmen,¹⁾

"The ethics of capitalistic industrialism aim at economic efficiency and mutual advantage through the exaltation of self-interest, with such enlargement of other human capacities as may thereafter indirectly accrue. The ethic of Jesus seeks human development directly through the limitation of self-interest by mutual adjustment and mutual aid. The antagonism between these two solutions for the problem of associated living is indeed irreconcilable. . . . Industrial society cannot continue in its present divided, inconsistent, increasingly futile state—partly humane and partly callous, now democratic and now imperialistic.

"Nor can a religion whose function it is to develop the ethic of Jesus remain half bound to, and free from, the living death of this acquisitive society." (p. 9.) "The prophets and Jesus stood for the weak. . . . They advocate the morality of mutual aid against that of exploitation, the attitude of the producer and server against that of the profit-taker and possessor. Their ethic is the survival of the sharing habit of the early tribal group reinforced with the concept of an ethical God." (p. 18.) "Does progress consist in eliminating the cruelty, waste, and suffering of strife, or in stabilizing the position of the victors by rationalizing war as the way of development? The moral strain of which Jesus was the great exponent takes the former road. It sanctifies, develops, and even deifies the sharing, giving, co-operating capacities of mankind." (pp. 109-110.) "When engineers are speaking from the dictates of science, with no compulsion from dividends, they tell us that the further intelligent co-ordination of human lives after the manner of the machine, but in voluntary and

1) The following quotations are from Professor Harry F. Ward's interesting book, *Our Economic Morality*. The page will be indicated at the end of each quotation.

chosen forms, is necessary for the increase of production. The harmony of the machine requires a similar harmony of human lives. Thus the technician moves also toward the goal of solidarity which the ethic of Jesus seeks, and of which the oppressed and disinherited do dream. That is why it is time for science and religion to make common cause against the exploitation of the resources of nature and the labor power of man by the spirit of money making." (pp. 26-27.)

The profit philosophy "reduces itself to an hypothesis that human nature is mostly swinish. . . . This presupposition concerning the nature of man is the basic article in the creed of our economic fundamentalists. On it rests the thesis of the profit motive as the most powerful dynamic for economic purposes." (p. 65.)

With respect to this indictment of the profit motive, the orthodox economist will probably observe that, although very pious and high-minded, it has, unfortunately, nothing to do with realities. The fact remains that the vast majority of human beings cannot be motivated to adequate production of goods and services except by selfish motives; and, if our theological moralists wish to call this swinish, the conclusion must be that the majority of men are swine. Ideally speaking, the production of the greatest number of material comforts may not be the true end of human life; but, human nature being what it is, it is safe to expect that most men will act as though it were. And no amount of moral preaching will alter this fact. To preach to dead bones that they ought to be living may indicate noble instincts, but it is not very sensible.

Incidentally we may observe in this connection that if our pulpit economists wish to vindicate the ethic of Jesus it might be profitable for them to study His theology, whereupon they may discover that His ethic apart from His theology is rather unintelligible, and that the vast majority of mankind can be induced to practice His ethics only when they become other

men. In other words, unless the natural man is transformed and transcended the ethic of Jesus must always seem strange and unrealistic. There is no sense in talking about the Kingdom of Heaven to swine. And it is to be feared that the orthodox economist will always have the better of the argument when he asserts that the only way to get the greatest expenditure of energy out of swine is either by the use of force or by an appeal to their visible self-interest. To appeal to the good sportsmanship of pigs is not very sensible; you must either allow them to do as they please or force them to do as you please.

The ethic of Jesus undoubtedly demands co-operation and mutual aid, but it is extremely doubtful that such an ethic can be realized among the children of men, unregenerate human nature being what it is. The rule of competition is still too easy, for it is much easier to love one's self than to love one's neighbor. Naturally, *if* the desire to create and to share were to replace the desire to make profits we should undoubtedly have an equitable economic system overnight. But the "if" here is a tremendous one, which is presumably the reason why Jesus talked about that "new birth" without which the Kingdom of Heaven would be an impossibility. The orthodox economist will probably be tempted, therefore, to remind the pulpit economist that a professional concern on his part with respect to the potentialities of this new birth might possibly achieve more in the way of social justice than his present tinkering with economics. The majority of mankind will always assume a vulgar attitude toward life; consequently, they will be incapable of sustained effort in the name of that vague thing called humanity, or social justice, or posterity, or the "Kingdom of Heaven." Perhaps one reason for that is the fact that the pulpit economist has never been seriously concerned with leading men into the true mystery of the Kingdom. Many a pulpit advocate of the ethic of Jesus frequently for-

gets that Jesus Himself predicted that it would not generally be received,¹⁾ and that unless a man were born again to a new life he could never hope to understand, much less practice, the ethical demands of the Kingdom of Heaven. In this respect, the Master appears to have been considerably more realistic than many of our contemporaries who profess to be His followers. No orthodox economist will deny that, if the love of neighbor could impel men to put their best into production, this would be a better world; but he has the realism to know that brotherly love will motivate only the few. And the idea that men and women can be converted to the ethic of Jesus simply by being told that Jesus contemplated a social order in which men would look to the temporal welfare of the neighbor as naturally and as easily as they now look to their own is, to say the least, naive.²⁾ No one seriously concerned with the Christian religion can possibly doubt that the ethic of Jesus demands the sub-ordination of property and wealth to moral values and the common good. However, the economist has long ago discovered that as a rule the ethic of Jesus will receive little more than lip service from the majority of those who enter the market place. Greed and shortsightedness require no conscious effort on the part of man; the morality of Jesus, on the other hand, seems to require a faith that will remove mountains. It must be admitted that the orthodox economist is only realistic when he assumes that, human nature being what it is, the majority will never make up their

1) See Matthew 7:8; 10:25; 11:12; 20:16; 24:9-12.

2) This is not, of course, to say that our pulpit economists are wrong when they condemn our business morality and urge that something ought to be done about it. The point here is this. Can we suppose the ethic of Jesus to be practicable without the religion of Jesus? It is easy to assent to the doctrine that we ought to love our neighbors as ourselves; but how many people will take this seriously enough to enable the economist to postulate brotherly love as a working basis for a system of economics? If the ethic of Jesus were taken seriously, no doubt it would work. But that is not the question here. The question here is, Will it ever be taken seriously by a significant proportion of mankind?

minds to make the morality of Jesus work. Enterprisers do not, as a rule, engage in business for the express purpose of demonstrating an ethical principle or a postulate of the Christian religion; and it is safe to predict that the number of those willing to sacrifice sleep and health for the sake of the brethren will never be impressive. No doubt if a capitalist would regard his power as a trust from God and his profits as a means to the service of the neighbor — if, in other words, he really loved God above all else and his neighbor as himself — he would undoubtedly be the most fortunate man on earth. But just how many enterprisers would be willing to make the experiment?

An ideally equitable distribution of this world's goods can be achieved if men really want to achieve it, but in order to want to achieve it they must have an eye to the welfare of the neighbor. Now human beings are capable of this to some extent, especially during periods of passionate reaction to demonstrable wrongs — as, for example, in the case of the leaders in Soviet Russia — but that it can be sustained for any great length of time must still be demonstrated. Once wrongs have been superseded by other wrongs the original reactionary enthusiasm tends to evaporate. On the other hand, it must be admitted that the very organization of business today makes it difficult to apply the ethic of Jesus however seriously a person might desire to do so. The market today is something quite impersonal, and the relation between the ultimate producer and the ultimate consumer can hardly be called a moral relation, so that the question as to whether the ultimate producer, or the ultimate creditor, is really receiving a fair return seems very abstract. Consequently, men tend to lose sight of moral considerations and easily become obsessed with the idea of getting as much as possible for as little as possible.

4.

FICTIONS AND ABSTRACTIONS OF ORTHODOX ECONOMICS

(1) According to orthodox economics a bargain should be regarded as a commercial transaction in which both parties obtain a benefit. The seller wants the money more than he wants the article and the buyer wants the article more than he wants his money; consequently, the seller sells and the buyer buys, and both go their way rejoicing. Now this theory is sometimes true, sometimes false, and sometimes the merest sophistry. The theory is true if both parties to the transaction have free access to the market, if both have adequate knowledge of the market, and if both can afford to defer the transaction indefinitely. Wherever these conditions do not obtain, a bargain may or may not be economically beneficial to both parties. Of course, if the theory is merely intended as a definition of an economically sound transaction there is nothing to quarrel about; and in that case the really important question is, Just how many actual transactions can be characterized as economically sound? For it is evident that this theory will not explain bread lines and soup kitchens, or the difference between laborers and coupon clippers, between charwomen and debutantes. Furthermore, as a definition of a successful bargain the theory would appear to hold no matter what the nature of the bargain. Thus if I choose to buy a necessity the price of which has been fixed by the creation of an artificial scarcity, it is obvious that I freely choose to pay the price rather than starve; and, inasmuch as I would rather pay than starve and the seller would rather take my money than keep his product, both of us ought to be satisfied. However, few unbiased persons would probably hold that the transaction had been a successful one and certainly none would hold that it had been a just one. The enterpriser, for example, is free

either to sell at a loss or not to sell at all; and since, presumably, he prefers selling at a loss to not selling at all, if he sells at a loss he has at least realized his preference. But to maintain that therefore he has engaged in successful bargaining is about as significant as to say that, because a man has lost one hundred dollars in a transaction when he might have lost five hundred, the transaction has been eminently successful. Technically, of course, both parties to such a transaction have been "benefited," but no one thinking on the level of common sense would call this good business.

(2) The attempt to solve the problem of distribution on the assumption that efficiency in production will automatically bring about justice in distribution is based upon an abstraction, and ignores the fact that the problem of distribution is moral as well as economic. When in the midst of plenty millions must be fed, clothed, and housed by the government and by organized charity, it is evident that profits and efficiency do not automatically take care of distribution; and to that extent the profit-and-efficiency system cannot really be said to be working. Naturally if men could refrain from waging war, from practicing dishonesty, from interfering with free trade, and from seeking government protection for their inefficiency, the profit system might conceivably make everybody, if not happy, at least sufficiently satisfied to prevent serious social and political disorders. But men and the facts being what they are, it is evident that the postulates of economic orthodoxy are to some extent unrealistic. Now an economic theory that will really work only under fictitious circumstances may not be unscientific, but it will fail to account for many of the actual facts of life. After all the science of economics has to do with human beings, and to talk about human beings in terms of one motive only is to talk about abstractions and not about concrete realities.

Thus when economists speak of the profit motive, the price system, free trade, and free competition they evidently use convenient and simplified models to represent the facts. This, to be sure, is scientific enough, and there is no particular harm in it provided they do not forget that a model after all is a model and that expert consideration of the model may be only a partial consideration of the facts. If we assume that profits are possible only by way of efficiency, then if a man wants profits we may infer that he will do his best to become efficient. The model in this case is perfectly clear and perfectly logical. But the question is, Do the facts measure up to the perfectly clear and logical demands of the model? In some respects they do, but besides these model facts we also have such facts as the waste of natural resources, sweated labor, competitive advertising of identical products, excessive speculation, market rigging, superfluous holding and "service" companies, and so on. We are told by the economic logicians that the desire for profits has induced industry to become efficient, that this has lowered the price of services and commodities, which in turn has resulted in a higher standard of living. Comparing this deductive model with the realities, however, we seem to get the same old story. Side by side with those facts which answer to the requirements of the deduction we have such facts as necessary factory legislation, regulation of utilities, anti-trust laws, and tariffs. In a perfectly free market private initiative no doubt leads to efficiency and thus to a higher standard of living, but economic history has shown that although private initiative has been concerned to produce efficiently it has been no less concerned with seeing to it that the market shall not be a free market. Otherwise, obviously, there would be no such things as tariffs and anti-trust laws.

Orthodox economic theory, however, presumes — and rightly so — to pronounce only upon long run tendencies. This,

however, means that many of the immediate realities will be ignored. Thus under the profit system honesty may possibly pay in the long run, but it is evident that in the short run dishonesty may pay better. In assuming the long point of view there lies a peculiar danger, the danger, namely, of becoming unrealistic. It is clear, for example, that during booms none take the long view; if they did, there would probably be no booms. In the long run he may profit most who "serves best"; but, unfortunately, while the long run future is on its way, the short run speculator may have ruined any number of his more noble and far-seeing fellows. In other words, the long view seems to work successfully only when everybody takes it; consequently the few who do take it, unless they have unlimited financial power, are almost certain to lose with the rest. To give self-interest free reign on the supposition that it will automatically lead to efficiency and general happiness is simply to close one's eyes to the facts of human nature. And we seem to be driven to the conclusion that, on the whole, the only way to be sure of realizing the common good is by deliberately controlling some things with the common good expressly in view. Naturally, given a steady increase in new markets, a steady creation of new wants in old markets, a steady increase in the assurance of world peace, and a rational and long business view on the part of all, distribution would be managed much better than it is now. Unfortunately, however, the conditions presupposed are more or less fictitious.

(3) Another abstraction employed by orthodox economists is the so-called profit motive. Here again we find superimposed upon concrete realities a more or less convenient but not altogether accurate simplification. Why do men take risks, sacrifice sleep, and strain every nerve in the service and management of a business? Among the variety of motives the desire for profits is undoubtedly an important one; but there are other motives some of which not infrequently exert a much

greater pressure than the desire for profits. Men wish to avoid the disgrace of failure; or they must meet the charges on borrowed capital; or they must finance the activities of a socially ambitious family; or they wish to educate their children and expose them to desirable "contacts"; or they wish to be constructive and to build lasting monuments to their work; or they desire to exercise power and leadership (many a business leader today would formerly have gone into the army or the church); or, finally, they desire activity because they have caught the "spirit of the game." Now whenever these motives are indiscriminately treated and regarded as constituents of the profit motive we must sooner or later arrive at all manner of unrealistic theorizing. For, as anyone may see by inspection, many of the motives just enumerated would have considerable efficacy in a society in which profits were forbidden.

Furthermore the profit motive, although indeed powerful, is probably not as ubiquitous as our economists often suppose. Much of the important work both in business and in government is done by men who neither hope for, nor particularly care about, profit. What they want is family security, and whatever time they have on their hands beyond that required for the maintenance of this security they use in the pursuit of hobbies. Also there can be no doubt that as the ownership of capital becomes increasingly concentrated so that the opportunity of getting into the profit-making class becomes increasingly limited, the incentive to make profits dies down. And this would seem to indicate that a society in which the making of profits were forbidden would not be particularly oppressive nor seem very unnatural to that vast majority of the population which even under the profit system will never have first hand experience with profits.

Finally, profit, or whatever goes by that name, does not seem to be the simple thing it is sometimes defined to be. According to the textbooks, profit is that part of the product

which is left after wages, rent, interest, depreciation, insurance against risks — all the so-called fixed charges — have been paid. This, it is said, rightfully belongs to those who have risked their means toward the production and marketing of the product. Now all this is, again, very simple and undoubtedly very true, but it does not tell the whole story. In actual practice a net profit may be in large part the result of superior management, in which case some of it will probably go to management in the form of bonuses; or it may be the result of greater risk-taking, in which case it is paid to stockholders in the form of dividends; or, finally, it may be the result of market rigging, artificial scarcities, destruction of competitors, monopoly, and other forms of restraint of trade, in all of which cases it goes to the manipulators in the form of plunder. Now in many forms of actual business enterprise profits really represent varying combinations of all these factors. When directors and managers trade in the securities of their own companies, they are not taking risks for which they deserve special compensation. When bankers organize combinations or reorganize railroads or float securities, the profit they make is rarely the true measure of their risk — in fact much of the risk is not infrequently passed on to an unsuspecting public. In the case of corporate and inter-corporate organization of industry with its holding and service company arrangements, to speak of the profits pocketed by bankers and barons of commerce as the reward for assuming risks, is to talk about complex realities in terms of simplifications and abstractions. Now abstractions seriously taken easily become falsifications.

(4) We are told by the orthodox that profit, interest, and rent are the just rewards of abstinence. The man who owns bonds and stocks, like the man who owns a building, has presumably accumulated the means necessary for their purchase by deliberately limiting his expenditures, thereby foregoing

certain pleasures which his more foolish neighbors have indulged. Consequently he now has the pleasure of collecting rent and dividends, whereas his neighbors can only look on with envy. The implication seems to be that, if his neighbors had only been as wise and abstinent as he, they too would now enjoy the peculiar pleasure incident upon collecting money for which one does not have to work.

Aside from the fact that savings do not necessarily represent wisdom, self-restraint, and piety, we may note that abstinence is a relative matter and that whether one is really abstinent would seem to depend almost entirely upon what one regards as necessities. However, it is clear that the race has had sufficient experience to be able to state with considerable definiteness just what constitutes a civilized standard of living and, therefore, just what may be considered as real abstinence. Very few sensible persons today, therefore — unless they happen to have a thesis to defend —, will seriously contend that a person receiving in the neighborhood of fifteen thousand dollars annually must practice genuine abstinence in order to live a civilized life and also have something to spare for investments. Now about one third of our national income goes to persons receiving annually fifteen thousand dollars and over, and the question is, Just how real is their abstinence? Or take for example those who have inherited the privilege of clipping coupons; wherein consists the abstinence which justifies their privilege of living on the labor and intellectual effort of others? Of course, the text books will tell us that it is wise to allow these people to clip coupons because if their grandfathers had known that their descendants would not be allowed to do so they would have been much less abstinent and, as a result, society would have been worse off. In other words, the hereditary coupon clipper must be preserved as an example for the edification of those who today may be disposed to practice abstinence, in order that industry may be preserved

and developed. Hereditary coupon clipping, in other words, is a kind of necessary evil.

This, it must be admitted, is not a bad argument, and it seems to embody a good deal of truth.¹⁾ But, once again, the argument does not represent all the truth. In the first place, the fact that there is a biological relationship between a productive enterpriser and a non-productive coupon clipper is ethically non-significant. And, in the second place, much of the income that goes to coupon clippers appears upon impartial scrutiny to be, not the result of the abstinence of coupon clippers, but rather the result of the abstinence of workers in the form of low wages and of consumers in the form of high prices. At least we may suppose that if the hereditary coupon clippers received less of the national dividend, this might, in the long run, make some difference, however small, to wages and prices.

The abstinence theory may have been a true description of things a hundred years ago, and it may still be true in the case of the small manufacturer, but it surely does not fit the majority of contemporary rent-, interest-, and profit-takers. To those among us having an annual income of more than ten thousand dollars abstinence would seem to be almost inevitable;²⁾ and, if inevitable, it is difficult to discover the particular virtue that entitles them to particular rewards. If I have an income so large that, unless I become a spendthrift, I cannot help saving fifty thousand dollars a year, it is surely little more than sophistry to call such a saving the result of abstinence and thrift. And, on the other hand, abstinence on the part of those who receive an income only barely sufficient

1) Of course, a dyed-in-the-wool socialist would be quick to observe that any economic system which in order to get production started must reward certain people for abstaining, and in order to keep production going must reward certain other people for not abstaining, is at least a very paradoxical system.

2) Taking as our standard the minimum economic demands of civilized living.

for the maintenance of decent living conditions would seem to be little short of immoral. As for the "abstinence" of the wealthy, unless their inevitable savings go into necessary expansions and improvements, they merely become additional capital charges upon production; and that this sort of abstinence is particularly virtuous and socially beneficial is at least not clear. To save when you cannot really do anything else, to use such savings merely to increase capital charges, and finally, to use this increase in capital charges as an excuse for lowering other costs, such as wages, in order that business may continue to be profitable — all this may be good business and sound economics, but it obviously has nothing to do with the ethics of rewarding abstinence and thrift. We may conclude, therefore, that some but by no means all of interest, profit, and rent can be justified by the notion that abstinence deserves rewards.

(5) Undoubtedly one of the primary conditions of the workableness of the price system is free trade. There is nothing wrong with the logic of the argument that, inasmuch as some nations can produce certain goods more efficiently than others, it would be better for all concerned if they recognized each other's productive merits and their own weaknesses and acted sensibly about it. Unfortunately, however, the facts are such that the argument does not seem to be more significant than, for example, the argument that if all nations were wise and benevolent and willing to sacrifice their individual short run interests for the long run welfare of humanity, this would be a much better world. It is clear that international specialization and the free exchange of goods and services would be a boon to the nations; but it is just as clear that, as long as they persist in suspecting one another's national ambitions and fearing one another's economic needs, specialization and free exchange of goods must remain an idle dream. Unless, therefore, we can solve the problem of national selfish-

ness and international fear, there will be no particular sense in talking about what a better world this would be if only we had free trade.

(6) Then there is the matter of risks. According to orthodox theory, the enterpriser assumes a risk and therefore is entitled to whatever is left after wages and fixed charges have been paid. Today there is a growing suspicion that about the only business men who take real risks are the small traders, the small manufacturers, and those who initiate pioneer industries — although with respect to the latter it should be noted that the well established industries are usually the only ones that can afford to introduce something new since for the smaller ones the risk is too great. In other words, where the risk is a real one it is usually not taken, and where it is taken it is frequently only nominal. The financial strength of the larger corporations is usually such that they are in a position to experiment with the production and marketing of a new product without taking very significant risks. And to talk about risks where no attempt is made to introduce a new product is surely to resort to metaphor — unless one has in mind the risks that every citizen of an industrial commonwealth must necessarily assume. What are the significant risks of the automobile, steel, telephone, and telegraph interests? For the last twenty years the so-called captains of industry have chiefly concerned themselves with the organization of well established industrial units into larger units and monopolies, thus practically eliminating all real risk.

In this connection, we may briefly note the risk assumed by industrial society at large. When modern technology separated the worker from his tools, it thereby imposed upon him the risks of a technological society. The industrial revolution represented a tremendous social risk, but thus far our sociologists and economists have seen fit to justify a remuneration only for those who by reason of the accident of birth have

been in a position to exercise their individual "enlightened self-interest." Today whenever the market breaks society at large must pay in the form of bread lines and general social and moral deterioration, and there is no reason why on the logic of orthodox economics this social risk should not be remunerated. Unfortunately, such things as social and moral decline belong to those intangibles from which the economist remains grandly aloof; and the fact that no statistics in terms of dollars and cents can be compiled with respect to them is presumably sufficient reason for supposing that they are not really economic factors. It is the same process of abstraction that causes the economist to suppose that if he can show that a communistic society will probably be less efficient than an individualistic one — which in fact he cannot —, he has thereby demonstrated the utter impossibility of communism; forgetting meanwhile that due to such intangibles as morale and the feeling of equality, whether in suffering or in opportunity, the success of a communistic society does not necessarily depend upon a maximum of industrial efficiency.

The theory that the entire community assumes the risk of capitalistic enterprise seems altogether reasonable when we consider that the consequences of bankruptcies and shutdowns and stockmarket disasters affect the entire population and not merely bankers and enterprisers. Modern corporate enterprise is such that the entire industrial commonwealth virtually risks its natural resources, its man-power, and its cultural integrity at the hands of private enterprise. So that when the specific risks of the individual enterpriser have virtually reached the vanishing point, the profit-taker evidently reaps a harvest which he has not sown. As corporate wealth increases, specific risks become less and less, but we do not see a corresponding decrease in profit-taking — otherwise, evidently, corporate wealth would not have increased quite as rapidly as it has during the last thirty years. In short, the entire indus-

trial commonwealth appears to take real risks, but only the chosen few receive the credit and, consequently, the rewards.

(7) Competition, we are told, is the heart of the price system. As competition grows keener efficiency increases, the inefficient are eliminated, and the public is supplied with goods of high quality and low price.¹⁾ This theory undoubtedly embodies valuable truth, although we should not forget that the idea of free competition in a free market is, after all, a limiting conception, like the idea of a perfect vacuum. It must be obvious to anyone at all alive to what is going on today that, inasmuch as old markets are pretty well occupied and the only way to obtain a new market is to create a new want; inasmuch as great corporate wealth is required to create a new want and, therefore, a new market; and inasmuch as both corporate wealth and corporate control have practically become hereditary fiefs; therefore, free competition within the significant fields of industry is largely a fiction. Industrial history seems to teach that private initiative allowed to go its way unhampered by social considerations will tend to limit and ultimately to destroy private initiative. The essence of private enterprise may be competition and risk, but the men engaged in business seem to spend considerable energy trying to eliminate risk by eliminating competition. Anti-trust laws are not the result of free competition and the automatic elimination of inefficient producers. Corporations and inherited wealth are today in a position to create whatever significant business opportunity there is, and they create it mostly for the benefit of corporations and inherited wealth. Whatever

¹⁾ This, of course, is not invariably true. Holding companies, for example, may compete for the purchase of operating companies with the result that the purchase price is far above the true value of the property. As a rule this will eventually necessitate an increase in capitalization, and this will be regarded as a perfect justification for an increase in rates. Sometimes, at least, competition makes for costs which would not appear on the balance sheet of an industry operated for service by the government.

real competition there is today is pretty well confined to competition between great corporate organizations; and the only chance the majority of American citizens will ever have to experience competition, risk, and profits at first hand will have to come from the rise of co-operatives.

5.

OUR BUSINESS MORALITY

In discussing the morality of actual business practice, we are not immediately concerned with orthodox economic theory. The mere fact that a given economic system makes possible peculiar abuses is not in itself an indictment of that system. To recognize the ills and maladjustments of "capitalism," therefore, is by no means the special prerogative of the socialist. Any economic system, however just and wholesome theoretically, is necessarily subject to the ubiquity of human weakness and depravity. In other words, merely to point out the evils of the competitive system is not to prove socialism or communism or any other "ism." Only if it can be shown that in the nature of the case the present system must necessarily have greater irremediable evils than some other possible system, are we justified in proposing a change. That the present system has made for the possibility of appalling abuses is a fact to which the orthodox economist need not close his eyes; these abuses do not prove that the price system is bankrupt. But what they do prove is that the profit motive does not automatically make for a great civilization and general human well-being.

The present industrial depression has brought to light with unusual clarity what and how the majority of men really think. The chief import of a large percentage of the books and articles dealing with the contemporary domestic and world situation is the simple gospel that the preservation of our civiliza-

tion and, in fact, the welfare of mankind depends upon a speedy restoration of business. Purely economic considerations have acquired an importance somewhat beyond their real significance. Of course, they must be important to a generation whose hopes and fears are purely economic. The truth is, however, that from the point of view of morality and culture they need not be important and that if they are, that fact is surely an indictment of our civilization. If the calibre of our culture is such that it can be saved from ruin and anarchy only by a revival of trade, then it is indeed a question whether it is really worth saving; and it would seem to be rather hopeless to point out that the root of our difficulties are moral. In other words, although the price system may not be bankrupt, contemporary human nature probably is.

There can be no doubt that, consciously or unconsciously, the working philosophy of the able and ambitious of the land is, Seek ye first the kingdom of Mammon and all other things will be added unto you. For upon one's means depends almost entirely one's social status, and, in fact, all the advantages and privileges that make life worth while for the man of the world. Inevitably, therefore, our civilization tends to foster certain qualities of personality and character which, although in themselves neither good nor evil, ought from the point of view of moral values to be rather subordinate. In a civilization in which honesty and decency do not come first they usually come a poor second; and a philosophy that teaches honest selfishness usually fosters a practice which is sure to be selfish and only incidentally honest. Shrewdness is not necessarily opposed to honesty, generosity, and justice, but a society in which shrewdness is demonstrably rewarded is a society in which men are inevitably trained to regard honesty and justice as more or less subordinate. Now when honesty and generosity play a subordinate role such things as shrewdness and "enlightened self-interest" easily reduce to a general disregard

of the rights of others. Again, business energy is not in itself opposed to religious, academic, and scientific values; but, in a society excessively energetic with respect to gain, these values will not as a rule flourish (and if anyone doubts this let him try to interest a student of "Business Administration" in such things as religion, science, and the arts). Shrewdness and energy, by receiving an over-emphasis, do in fact become inimical to the more cultural aspects of life, and the ascendancy of the economic motive usually stands in the way of that general balance of life which we dignify by the name of culture. Now that human life reaches its true destiny in the making of shrewd bargains or in the founding of powerful financial structures is at least doubtful. This is, of course, not to say that the economic motive is in itself illegitimate or that the acquisition of economic power is not something of an achievement; but the important question from the point of view of civilized living is, To what end? For the life of trade is hardly its own cultural justification. Whether industry and thrift shall be virtues or vices will depend entirely upon the ends to which they are applied, and if the ends are luxury and economic power they become rather questionable moral qualities. There can be no serious doubt that to a person obsessed with the economic motive all other considerations necessarily become negligible; and Jesus asserted an important truth of human psychology when he informed us that it is almost impossible for the rich to enter the Kingdom of Heaven. Great art, literature, music, and science undoubtedly require both leisure and economic means; nevertheless, it is a striking fact that the development of these values has not been the work of those worshipping the golden calf. Wherever the chief emphasis is upon the economic motive, talent that might otherwise have enriched our literature or dignified the offices of government, has usually been dissipated in the pursuit of trade.

The thesis that a capitalistic society represents the worst form of social organization we shall leave to propagandists. On the other hand, we need not be "radicals" in order to realize that the profit system has its dregs. Although it has succeeded in producing great wealth and although it can count its millionaires by the thousand, it has also produced by the million such as are evidently condemned to spend their days far below the line of cultural decency. It is, of course, not obvious that any other system would in the long run do much better, but if that is the best that the race can do we shall have to admit that our theologically minded ancestors had rather sound suspicions when they talked about sin and depravity. For the time being, however, we shall limit ourselves to the more obvious evils of the present economic system.

That the course of our industrial development is sown with the wreckage of natural resources is a fact too well attested to admit of serious doubt. About three hundred years ago we possessed some eight hundred million acres of virgin timber; today there is little more than one-eighth of it left, and unless the government takes an active interest in the matter of conservation and reforestation, there will be none left in the near future. In the process of obtaining wood-pulp for paper, for example, twenty per cent of a tree is wasted at the cutting and forty per cent of what is left is wasted at the mill. And this is not due to the fact that more than sixty per cent of a tree is commercially useless—it could be used, for example, in the manufacture of tar, acetate of lime, and so on—but simply because it cannot be utilized to produce quick profits. The lumber barons of Michigan have reduced much of that state to a mutilated horror of stumps and sand, so that the furniture manufacturers have for years been compelled to get their raw material from the South. The strategy has been, Get as much as possible in as little time as possible and never mind the consequences. In America, according to Mr. Stuart

Chase,¹⁾ the money spent for advertising annually amounts to about one and one-half times the total of all state and local budgets for education. This might be somewhat more tolerable if advertising really educated the public, but the fact is that most of it is absolutely trivial, and the proposed reasons why a man should buy this kind of toothpaste or that kind of cigarette are simply not worth knowing.²⁾

In addition to this direct waste there is that indirect and greater waste incident to the popular game of financial strategy. Whenever two or more groups of speculators war with one another in the attempt to acquire control of some industrial stock, it is evident that considerations of industrial efficiency and high grade products at low prices are pretty much in the background. The now notorious pre-depression bull market days were not characterized by the rise of successful enterprisers who gave the public the most for their money and thus raised the standard of living for the masses. Furthermore, the big profits were made by bankers underwriting foreign loans and selling the paper to the unsuspecting public or diverting it into the trust funds of widows and orphans.³⁾ So that before we hold up our hands in holy horror at the idea of socialism and confiscation it might be well to consider whether watered stock and diluted trust funds represent anything less than piracy upon the national dividend. To profits as the

1) *The Tragedy of Waste.*

2) One of the most interesting examples is that of a familiar brand of toothpaste, the formula for which had been established long before the advertiser knew what "that cloudy film" really was and whether it would be desirable to have it removed. See in this connection *My Life in Advertising*, by C. C. Hopkins.

3) We may confidently expect that bankers will attempt in various ways to outflank the Banking Act of 1935. Already one stratagem has come to light. A banking house simply undergoes a division so that instead of one firm engaged in both banking and trading there are now two firms, one engaged in banking and the other, in selling securities; meanwhile, however, the common stock of the latter is held at least in part by the former. This, by the way, is suspected to have been the case in the split-up in September, 1935, of a well known banking house.

reward of technical efficiency there can be no moral objection; but "profits" created by financial manipulations are quite another matter.

Of course, the price system being what it is, speculation of a sort would seem to be quite inevitable. The market must be kept fluid and securities must be readily convertible into cash. On the other hand, speculation and strategy are necessarily fraught with the danger of parasitism upon legitimate trade. The manipulation of prices and values has nothing to do with production, efficiency, and service — except as a form of parasitism upon production, efficiency, and service. The profit motive may lead to efficiency in production, but it just as easily leads to financial strategy; and, in the latter case, it is quite impossible to find any significant correlation between the profit motive and a high standard of living. And when we consider the recent bank failures, the South American loans virtually procured by means of bribery, and the record of the commercial banks in America, we have somewhat of an indication of the various channels other than the channel of efficiency open to the profit motive.

The commercial classes advocate the theory, as we all know, that the government should keep out of business. What they really mean, as everyone knows, is that the government should not interfere with profits if profits can be gotten without government help; otherwise, they are perfectly willing that the government should do something "to make our institutions work." They have, therefore, no particular objection to tariffs and subsidies; and what they really mean by non-interference of government with business is non-interference on the part of the government with the self-interest of profit-takers. Now, although the average citizen probably regards our business as only slightly less putrid than our politics, it is still a question whether it is politics that corrupts business or business that corrupts politics. When we see utility combinations spending

hundreds of thousands of dollars to defeat a utility regulation bill or when we read about hundreds of telegrams sent to Washington (many of them bearing the names of persons long dead) at the expense of a utility "service company," one's confidence in profits and efficiency is at least not increased. When bankers reorganize railroads, float loans, and organize combinations they may, of course, be doing the public a great service, but it is at least not clear that the fortunes they earn doing these things are the just measure of the service they perform. Unless, therefore, American business believes that it can successfully withstand the force of unfavorable public opinion and the power of an unfriendly state, it is high time that it seriously put its hand to the task of cleaning house. Revolt and confiscation may be unscientific and uneconomic; but, unless modern corporate business can make itself tolerable in the eyes of the masses, that is precisely what is going to happen.

As we noted previously, there is one truth which the orthodox tend to discount to the undoing of their comfortable theories, and that is the truth that a communistic society need not be as efficient industrially as a capitalistic one in order to make itself tolerable. The limit of deprivation which men and women are able to stand is not soon reached if they see that deprivations are necessary and if they believe that they are really shared by all. This is demonstrated in every war and, most recently, in the Russian revolution. We must not overlook the fact that the justification of the profit system is primarily economic and only incidentally social and moral. That it has led to class consciousness and class antagonism there can be no doubt. And this is not merely a matter of the envy of the underprivileged; it is the result — at least in part — of deliberate attitudes and practices on the part of the privileged classes, who repudiate the democratic way of life at every turn, and having made economic opportunity impossible for

the many make of this a justification for treating them as inferior. The rotogravure picture sections of our metropolitan dailies certainly advertise the fact that the privileged in this country are doing their utmost to establish the social stratifications of Europe, with the result, in the language of Plato, that every city is not one but two, viz., that of the rich and that of the poor.

The men and women, willing to work in order to maintain their self-respect but unable to find work, must not be judged harshly when, upon seeing the kept women of America masquerading at fashionable "charity" balls, they look about for leaders who promise a change, even though the change be nothing more than the opportunity to do away with the parasitical society butterflies who frequent charity balls. The Russian system may not ultimately work; but, when we contrast the energy and faith exhibited in Russia with the apologetic and defensive attitude of Americans, we must at least admit that man is a creature who does not live by bread alone. An increase in per capita wealth does not mean an increase in civilized morale. There is such a thing as a healthy attitude toward life and toward one's work, and it is a moral force which cannot be shown or proved by a statistical study as to what per cent of the people get what per cent of the national dividend. Dollar statistics have little to do with civilization and even less to do with the question of whether the masses are obtaining justice or whether the majority have the morale necessary to keep civilization going.

However, if one wishes to decide the state of our civilization by statistics, there are statistics which seem to indicate that the barons of the profit system take the attitude that such a thing as unemployment ought to be taken care of by charity and that charity ought to be financed by the poor. If we may

believe the report of the executive secretary of the American Association for Old Age Security, Mr. Abraham Epstein, a few rich men have given small parts of extraordinarily large fortunes to charitable and civic enterprises, but the vast bulk of the well-to-do simply do not support the charities. The American Red Cross in 1930 had an adult membership of 4,131,000, the total contributions of which amounted to about \$4,600,000 — slightly over one dollar per contribution. A recent Red Cross drive in New York City raised the sum of \$1,500,000, over half of which was donated by nine individuals and corporations; the remainder was contributed by persons of modest means and by the poor. Now obviously there are more than nine rich persons in New York City. It would seem, therefore, that the wealthy, following good orthodox teachings, believe that they fully perform their civic and humanitarian duties by reinvesting their wealth, thereby killing two birds with one stone; they make a profit and also give the man in the street an opportunity to work. Naturally this is a comfortable doctrine for the selfish. And, in fact, it might be a true doctrine if it really kept the man in the street at work and if it really produced profits. But, as we are now finding out, it neither keeps men at work nor does it produce a profit, for during depressions the investor reaps his dividends, not from actual earnings, but from those surpluses which are always present for such as already have and always absent for those who have not. Meanwhile our debutantes, society matrons, and fashionable divorcees hold charity balls, get the desired publicity, and incidentally give nothing to charity.¹⁾ The vast bulk of the well-to-do are takers, not givers.

¹⁾ It has been estimated that, when the expenses incurred by the ball committee are deducted from the receipts, there is usually nothing left.

6.

PLANNED CAPITALISM

A mere enumeration of the social and economic evils found under the profit system will not, of course, convince the orthodox that there is anything fundamentally wrong with the profit system. He will contend, and rightly so, that abuses there will be no matter what the system and that the logical thing to do is to get rid of them. We are justified in trying something new only if the abuses under the old system have become intolerable and if it is quite evident that they cannot be gotten rid of. If, however, it is found that to eradicate the abuses of the profit system society need make no greater demands upon human nature than would be demanded in order to establish an honest and efficient communism, it would seem to be the part of wisdom to continue an order of things with which we are acquainted and concerning which we have had considerable experience. And if less idealism and less coercion are required to make capitalism tolerable than would be required to make communism work, by all means let us stick to capitalism, for human nature is such that it more easily endures present dissatisfactions than the uncertainty of future benefits.

But how get rid of abuses; how remove the evils of exploitation and inexcusable privilege? Here enter our so-called political liberals, who propose a theory which for the sake of convenience may be called the theory of planned capitalism. Briefly the theory is this. There should be a sort of supreme economic council whose function would be that of co-ordinating the agriculture and industry of the nation — the sort of thing we had during the World War, when the government assumed a co-ordinating authority over railways, munition plants, the manufacture and consumption of food, and so on. Furthermore there should be regulatory laws for the protection of the laborer and the consumer. These regulations would be

enforced by government officials, who may be presumed to be patriotic, public spirited, disinterested, and wholly independent of bankers and industrialists.

It will not be necessary to discuss this theory at length, since the objections to it are purely economic and therefore of no immediate interest for morals and moral theory. Provisionally we may note that whatever might possibly be accomplished in this direction by a fine, efficient, and highly trained civil service we have as yet no way of knowing. But the American people had better see to it that they get such a service before the government takes upon itself the responsibility of running the banks, railroads, and utilities. Considering our present political machinery and the type of person seeking a political career, it is to be feared that American industry and the American standard of living would not long survive "government in business." Whatever may be said for or against the Roosevelt administration, we must at least give it the credit for having demonstrated that government in industry and agriculture with the profit motive left intact simply does not work. Thus it has in the interests of co-ordination practically suspended the anti-trust laws, and the only visible result has been easier going for the large corporations and much harder going for the small manufacturer and the consumer.

The practical difficulties of a planned capitalism are patent. The world of business, industry, financial strategy, and invention is a world of frequent changes to which government operation does not easily adapt itself. As a rule governments are not socially progressive and, where they try to be, their experiments, being on a national scale and involving "other people's money," are likely to be costly and wasteful. There are also the immediate difficulties of effective planning. Thus a planning board would obviously face the problem of fixing the output for each industry in such a way that at least the majority of producers would make a profit. It would, there-

fore, have to predict more or less accurately the demand for thousands of commodities. Now when we consider the fact that many concerns have the capacity to produce several industrial products, that some will be able to produce and sell more than the quotas established by the planning board, and that some will be able to get rid of their quotas only at a loss, we must conclude that it is much easier to *talk about* planning than to *do* it. Consider the problem of an industry unable to sell except at a loss. If it is forced to operate according to plan it must operate at a loss, and if it is not forced to operate according to plan the plan is not really a plan. If, however, the planners decided to allow an industry to avoid a loss by producing less than its original quota the result would probably be a decrease in employment, which would beget a decrease in purchasing power, which would probably mean the inability on the part of other industries to sell their quotas. Here, then, we should have the beginning of a real depression. Again, the planning board would probably attempt to create a greater demand for capital goods by increasing the quotas of those industries producing consumers goods. But this would only mean that the profits of the consumers goods industries would be reduced. At the same time these industries would probably be in need of capital since, in order to produce their quota, they might be compelled to expand. This new capital, however, would not readily be forthcoming, for the savers would not regard the established quota as an opportunity to make money; furthermore, it is a question whether savers would have the required confidence in the honesty and competence of the planning board. The tendency, therefore, would be to hoard savings, and the result of this would be deflation and unemployment. Now in the face of universal hoarding the planning board would be compelled to do either of two things—it could reduce quotas, thus aggravating the unemployment situation, or it could force industry to operate

at a loss. Obviously neither would be satisfactory. And the only alternative remaining would be government operation of industry.

When we consider that it is often necessary to sell a new product below cost for several years in order to establish a market, that it may take years to develop the necessary efficiency of plant and the necessary volume of trade to sell at a profit, and that price cutting is frequently a condition of the possibility of mass production methods, it should not be hard to see that a planned capitalism can be managed only by the gods.¹⁾ And when we consider the peculiar political machinery in the United States it must be evident that our form of government is quite unsuited for consistent industrial control. Whatever of politico-economic strategy we have is invariably the resultant of various pressures exerted by selfish groups, each seeking to exploit the public by means of special favors granted by the government. Thus our tariffs, instead of representing a co-ordinate national policy for the benefit of all, really amount to so many opportunities for exploitation distributed among interested groups. One of the most persistent criticisms of the "New Deal" is that, by conferring favors on too many small groups while disregarding the interdependence of the various national economic interests, it has really given these groups a greater opportunity to exploit the public. By giving labor higher wages, by permitting employers to combine and fix prices, and by paying farmers for not producing it has only brought about a simultaneous rise of all prices thus continuing the maladjustments in the price structures.

1) Within a socialistic scheme of things the planners would have the advantage of being allowed to plan not only production but also the wants of the population. This, naturally, would make planning relatively easy. But it is a question whether industrially and politically advanced peoples would stand for this unless they had the "mystic faith" of Russian communism. The fact that a people which has really known nothing but slavery and bare subsistence has patiently endured regimentation for some eighteen years proves nothing with respect to the limits of endurance on the part of peoples who have experienced a relative amount of freedom and prosperity under democratic institutions.

Whenever one sees the poor and contemplates their hardships, it is only human, if one has the authority, to make a law to the effect that the poor are to receive higher wages. Thereupon one must face the question, Can employers afford to give a higher wage? Naturally this leads to the temptation to make another law permitting combination and price fixing so that higher wages may be possible. In the end, of course, the expense involved must be charged to the consumer, who may not be able to pay and who must, therefore, be allowed what in the last analysis amounts to a dole. Unfortunately, the dole must be financed by taxation, the burden of which will fall in large part upon industry; which will raise prices and thus necessitate a higher dole for the consumer. Of course, it might possibly happen that by increasing the minimum wage for labor society would force the manufacturer to become more efficient. This he might accomplish by installing labor-saving devices, which might increase his productivity, thus reducing the price of his product, increasing sales, increasing employment, and so finally bringing back prosperity. But this would call for a timing of fortuitous inventions and effective consumer demand which no man, or group of men, could possibly manage.

Or — to begin at the other end of the planning dialectic —, assuming the price system, the government might reason that inasmuch as prices must be thus and so before the enterpriser will care to take a risk, therefore prices ought to be raised. Why not, therefore, create an artificial scarcity? This may be hard on the consumer, but for the time being he can be taken care of either by higher wages or by some other strategic arrangement (any one of which, in the end, always amounts to a government dole). Meanwhile the enterprisers, encouraged by the prospect of profits, will put men to work, as a result of which the dole can be gradually abolished so that eventually we shall see both high prices and plenty of work.

Unfortunately, however, the dole and the artificial scarcity must sooner or later be paid for. Since the government has no independent means of its own, it must tax; and, inasmuch as it can tax only those who have, and since those who have are ultimately dependent upon those who produce, either the tax is paid by industry or the standard of living is perceptibly lowered. Furthermore, the mere fact that business has been temporarily encouraged by an artificial scarcity does not mean that it will have sufficient momentum to remain encouraged. An industrial system organized for foreign trade cannot be expected to produce to capacity indefinitely on the basis of artificial domestic scarcities. The bill must be paid, and where normally the foreign buyers pay it, if foreign buying is cut off, either production must be curtailed or the government must pay it — which means in the end that industry must pay it. Obviously this is about as sensible as the attempt to make a profit by making shoes which only the shoemaker will use.

A convenient case in point is the recent Agricultural Adjustment Act. It proposes to create an artificial scarcity by paying the farmers for not producing. The money with which the farmer is paid is collected in the form of a virtual tax upon the consumer, who pays the farmer once for not producing and then pays him a second time by giving him a high price for the little he does produce. The consumer, in other words, pays a bounty for the work of nullifying the efficiency of modern methods of production.¹⁾ Meanwhile millions of our fellowmen must rely for food and clothing upon gifts from the government. All this may be an emergency necessity, but any system that creates that kind of necessity ought to be thoroughly examined and, perhaps, thoroughly overhauled. The present economic nationalism has isolated the farmer from the world market. The domestic market cannot absorb

¹⁾ Meanwhile our colleges of agriculture continue to pay high salaries to the men engaged in research for the purpose of increasing the productivity of the farmer.

what he has for sale. What could be more logical than the attempt to make the domestic market work as though it were a world market? But the joker in this logic is that once the consumer has lost his money in the service of higher prices he has nothing left with which to pay higher prices. And about all that has been accomplished is the creation of another class seeking government subsidy.

7.

SOCIALISM

(a)

According to our socialist friends, those of us who accuse the New Deal of attempting the impossible fail to consider that the present experimental conjunction of plan and prices is not entirely new and untried, and that during the war, for example, it seems to have worked with some degree of success. Furthermore, ever since the War the economic life of America has obviously been subject to the dictatorship of relatively few men; for the last twenty years, in fact, we have lived under an economy controlled both by plan and by prices. And, inasmuch as the great mass of our wealth is today definitely organized into an integrated system of quasi-public corporations, evidently the details of our economic life become increasingly determined by plan. Now if one man can, under the profit system, sit on the boards of fifty-nine corporations,¹⁾ it would seem rather academic to maintain that a planned economy is unfeasible because supposedly beyond human capacities. If a man sits on the boards of fifty-nine corporations, he either does or does not do his work efficiently; if he does, we would seem to have some reason for believing that a planned economy is within the reach of human ingenuity; and if he does not, then the very fact that he had a hand in deter-

¹⁾ The late Percy Rockefeller.

mining the policies of fifty-nine corporations under the profit system would seem to be an indictment against the profit system — unless we assume that the profit motive is so instinctively infallible that no matter how incompetent the men who administer corporations, their decisions must in the long run make for efficiency.

The most pervasive tendency in modern business is the tendency toward monopoly; and that it is inherently easier to adjust a system of monopolies to the world price level than it would be to adjust a socialist economy to the world price level is, at least, not self-evident. When farm prices drop fifty per cent in four years while farm production increases only four per cent; when, during the same period, the price of agricultural machinery drops only seven per cent while the production in physical units decreases ninety-one per cent; the conclusion must be that our economy is no longer a simple matter of supply and demand but actually a matter of planning. It should not, therefore, seem unreasonable to propose that where monopoly and planning and fixed prices appear to be inevitable, the government may legitimately step in, either to stop the planning or to do the planning itself. Monopoly control may not necessarily mean high prices; nevertheless, wherever it results in rigidity of overhead and costs and in price fixing, we evidently no longer have profits by way of efficiency. And, barring bribery and fraud, it is not clear that the government would do worse.

The modern corporation is not in the same category with a private manufacturer operating largely with his own capital. What the small manufacturer or the small trader chooses to do in the way of business policy may as a rule be left to his own discretion. He is handling his own money and he is quite adequately regulated by his customers and his competitors. What the corporation does is, however, not so simple a matter; for it represents the interests of thousands and even mil-

lions of investors, wage-earners, and all others who depend for their livelihood upon the general soundness of industry. In other words, a large-scale enterprise is in reality a public institution, so that the only morality consonant with its just and efficient administration is the sort of morality which we demand of our government functionaries in their capacity of public servants.¹⁾ Now, according to our socialist friends, if the modern corporation is virtually a public institution, and if common honesty demands that those who direct it shall act as public officials, what reason is there for supposing that such officials, if made directly responsible to the government, would at once lose their efficiency and good judgment? Furthermore, although one has reason to be sceptical when contemplating the prospect of our present political machinery assuming the management of the nation's industry, it is not axiomatic that government is necessarily inefficient and corrupt. The Budget of the United States and the budgets of most of our municipalities are less obscurantist and evasive than the report of many a corporation to its stockholders. Such services as the public school system, the administration of the posts, the highway systems, the Panama Canal, and the Bureau of Standards are certainly not conspicuous examples of graft and incompetence. Assuming that a socialist economy would be relatively inefficient — which must still be demonstrated — it is nevertheless better to produce less wealth and have it more justly distributed than to produce more wealth only to have it concentrated in the hands of a few who exploit the masses. Although socialism may not succeed in eradicating selfishness and the will to power, it may by education and

1) That a corporation should be allowed to make profits for its stockholders is one thing; that directors should be permitted to use the corporation as a means of creating large personal fortunes, is quite another. That the director of a corporation should be a salaried official and that his relation to the corporation ought to be purely fiduciary, is a supposition probably no longer regarded, even by the orthodox, as purely visionary.

compulsion produce habits of thought and action which will force selfishness into more socially useful channels.

The weakness of a planned capitalism — planned, that is, by government functionaries — is that it can never really hope to increase the spending power of the masses. For the only way to create an increase in purchasing power is by a redistribution of the national income. But society can not very well redistribute the national income without doing something about rent, interest, and profits; it cannot very well do anything about rent, interest, and profits without owning them; and, finally, it cannot very well own them without owning the means of production. And then, and not until then, can we hope to have anything like a plan.

Profits, interest, and rent constitute unearned increment; this belongs to society. And so, unless the government has the courage to return this stolen part of the national income to its rightful owners, any proposed remembrance of the "forgotten man" can hardly be more than a gesture. Furthermore, genuine economic planning will require considerably more than mere government ownership of banks, railroads, and the utilities. Thus a nationally owned banking system for the purpose of financing private industry would only amount to another government service, like the administration of the posts. Of course, by its control of credit facilities the government might succeed in mitigating such evils as booms and depressions, but industry would still be for profit. Real planning means nothing less than the control of the industrial system and its credit in such a way that goods will be produced for use only, and not for profit. Let our government organize a number of socially owned corporations with the authority to issue bonds and to substitute them for the outstanding securities of the steel industry, railroads, and so on. Let there be a modest interest on these bonds and let them be retired gradually. Most farmers are today heavily indebted.

Let the government socialize the farms by assuming their indebtedness, and let this indebtedness be paid for by imposing capital levies upon those receiving an income from the bonds of the socially owned corporations. When all this is done, we can begin to talk meaningfully about planning.

In a capitalist society the initiative is the initiative of the speculator and the promoter for the simple reason that these are the people who actually get the real rewards. In a socialistic order this would all be changed. The rewards would go to the socially useful, and it is they who would provide the initiative. As we all know, the incentives that make men do their best are threefold, viz., money, honor, and power. All three are, of course, represented in a capitalistic scheme of things but **their proportion is out of harmony** with true social welfare. In a socialistic state, the fundamental initiative would be that of the manager, the inventor, and the technical expert. For purely practical reasons, monetary compensation could not at first be uniform. There would be too much for the planners on the various boards of industrial strategy to do in proportion to the work done by others; and it may be presumed that, during the first stages of a socialist state, many an able engineer and strategist would not have become accustomed to the idea of working for the social good. At first, therefore, technical expertness and managerial ability would have to be given extraordinary compensation in order to attract the best talent. However, the rewards, although significant, would not be excessive; moreover, it would be recognized from the very beginning that inasmuch as the function of the "workers of brawn" is quite as indispensable as that of the "workers of brain" it is every bit as important. Furthermore, the worker would always be conscious of the opportunity of getting into the ranks of the privileged, privilege in a socialist state being entirely based upon ability and justice. Gradually, however, the question of monetary remuneration

would become increasingly unimportant, due partly to the fact that there would be an abundance for everybody so that a super-abundance would not seem particularly attractive — society might even attach a stigma to it —, and partly to the fact that men would be content to be paid in terms of honor, power, and the chance to be “creative.” Christianity will at last come into its own, for the prevailing morality will be based upon the principle of mutual aid. During the first stages of the socialist revolution, business would probably have to be operated by co-operatives, non-profit organizations operating banks, railroads, marketing facilities, packing houses, the various “natural monopolies,” and so on. Eventually, however, the government would take over all agriculture and industry and manage the economic life of the nation in a way such that the inevitable abundance would be shared by all.

A striking peculiarity of the socialistic state will be its shunning of all military purposes — except, of course, in so far as these may be necessary to protect itself from the malevolence of recalcitrant elements, such as criminals and propagandists for the profit system. Consequently, it will seek gradually to do away with nationalism and war patriotism and all other sentiments that have little dignity and no plausibility for such as realize that nationalism is nothing more than a tool in the hands of the privileged, who try to keep alive the superstition that wars are for moral ends, such as democracy or, worse yet, the preservation of peace. We may as well learn once and for all that the chief issue in this life is bread and butter, and that this has nothing to do with “manifest destiny,” gold braid, brass buttons, silly milkmaid romance, and old maid romancing. Instead of the human race foolishly keeping itself divided by ancient grievances and animosities and the tin-soldier escapades of so-called national heroes, let it organize itself into a number of co-operative commonwealths. The idea of an international union of commonwealths may seem unrealistic to

most people, but that is mainly due to a defective education by which they have come to believe that nationalism is natural. They forget that nationalism must have its teachers and propagandists. Give to socialism the music, the poetry, and the pageantry that has gone into the making of nationalism and there is no telling how natural internationalism will seem.

(b)

Socialism is a philosophy of immediate material benefits. Justice, culture, and peace on earth will be the portion of mankind the moment men forget themselves in the service of the ideal of a "shared abundance." To the objection, that unregenerate human nature may not be equal to this, the answer is that the creation of an ideal society is merely a matter of institutions. Alter the material conditions of men's lives, and there is no reason why they should not be happy and virtuous — or, at least, happier and more virtuous than they are now. In consequence of this point of view the socialist, therefore, tends to stress society to the neglect of the individual; and, if he thinks of the individual at all, he is inclined to think of him as a potential socialist earnestly contending for the faith. Inasmuch as institutions seem to be more easily, more rapidly, and more thoroughly changed than individuals (witness Russia), and inasmuch as the rising generation can be materially affected in its attitudes and habits by means of institutions, the socialist, following Rousseau, believes that the root of all evil is faulty social organization. Now there is some truth in this; that is to say, a person reared in a society in which it is assumed to be bad manners not to be an impassioned socialist will probably be a better socialist than the person reared in a society in which socialism is regarded as the unfortunate result of inadequate training in the science of economics. Naturally the socialist believes that inasmuch as all people will be

happy under socialism, once socialism is established, a return to capitalism will be entirely out of the question. For the unambitious there will be leisure and entertainment; for the capable and energetic, honor, power, and, at worst, the "necessary inequalities" of financial remuneration.

Socialism will be eminently successful once it succeeds in making the majority of a community really believe that by working as hard for the commonwealth as they would for themselves they, or at least posterity, will be demonstrably better off. To point to an occasional social benefactor does not, of course, prove that men generally are capable of the martyr's attitude. Honor, provided it is not too democratically distributed, will motivate the few really capable, and the welfare of humanity will probably motivate only the otherworldly minded. Nevertheless, from the fact that a minority are capable of giving their best in the service of a cause other than that of immediate personal gain we may conclude that if such a minority were well organized, knew what it wanted, and wanted to badly enough, it could by seizing power dragoon the majority into habits of action, and their posterity into habits of thinking, from which the money-making motive might be largely absent. What is taking place in Russia today — although it is doubtless too early to make safe generalizations — demonstrates what is possible, given a sufficiently general state of human suffering and an organized group of capable men fanatically determined to make use of it. Naturally, a situation of this sort has its peculiar dangers since the dictators cannot bequeath their idealism, will, and determination to their successors. Also by the time the masses have been educated and have become habituated to the new order of things, they will gradually become incapable of fanaticism except where their immediate self-interest is at stake. Nevertheless, we cannot say that the socialization of the economic life of a nation is impossible. Nationalized industries might

or might not be as efficient as industries privately owned but, as we have previously noted, they would not have to be as efficient in order to be tolerable. Men easily stand hardship when they are convinced of its necessity and when they know that their misfortune is not somebody else's profit. Morale may be too elusive a thing to talk about in terms of wages and costs statistics, but it is sufficiently real to discredit any purely dollars-and-cents prediction as to what will and will not happen in Russia in the near future.

With respect to the cherished ideal of rigid equality in distribution, however, we may confidently assert that experience has demonstrated its impracticability (unless we postulate a socialistic order under which everybody without exception shall be fired with a holy socialistic zeal). But there is no good reason to believe that the majority of those who call themselves socialists are capable of a faith that removes mountains; and it will be found that even in a socialist commonwealth about one third of the population will do the work and pay the bills and that the other two-thirds will be perfectly satisfied to leave the work and the bills to the one third. Sooner or later, therefore, the commonwealth would discover the doctrine of "necessary inequalities," whereupon the more intelligent and more productive would be permitted to do with their extraordinary rewards more or less as they see fit. With the exception of the first generation of enthusiasts in violent reaction against the abuses of an old order, a system of rigid equality, irrespective of sacrifice and merit, cannot hope to stand the test of human nature. We may confidently predict that in the long run there will be as many vulgar socialists as there now are vulgar Christians.

Naturally the idealists of the commonwealth will wish to interpret the doctrine of necessary inequalities in the light of need and desert—"from each according to ability, to each according to merit and need," or some such noble sentiment.

Now this sounds rather plausible until we realize that it will be for certain functionaries to decide just what this or that citizen deserves or needs. And that even socialist officials cannot be presumed to be absolutely omniscient and just, and therefore above all suspicion, would seem to require no demonstration. Inevitably, the bureaucracy will have on its hands a body of citizens firm in the conviction that they have been unfairly treated, and although fear may prevent them from organizing a political party for the purpose of more effectively expressing themselves, the fact remains that they are dissatisfied, which is all that is needed to render this idealism concerning "need" and "desert" ineffective. Upon the passing of the first generation the socialist state will probably have to deal with a generation which in taking the order of things for granted will be inclined to find emotional diversion by looking upon the things of their neighbors; and only human nature is necessary to lead them to the conclusion that some people are getting more for doing less. The result of this human peculiarity will probably be that as time goes on there will be less and less of this world's goods to distribute according to desert and need. To suppose that after men have learned to regard a socialist society as entirely natural they will naturally be inclined to compete with one another in the service of humanity and the neighbor, is simply to betray a lack of experience with human nature. Nothing — unless it be Christian sainthood — will prevent a person already comfortably situated from eventually coming to the conclusion that his neighbor just as comfortably situated has really no right to be.

In many respects the socialist faith resembles the Christian faith but with the Christian realism omitted. If all men were genuine socialists, men and nations would co-operate and there would be neither wars nor poverty: there is no reason for doubting the logical soundness of this statement. If all men were genuinely Christian so that they really gave the Ten

Commandments a chance, we should undoubtedly have a new world. The Christian, however, has the realism to recognize that the vast majority of men will never be seekers after righteousness any more than they will be disinterested seekers of truth or lovers of beauty. The average socialist has apparently still to learn that you do not make a genuine socialist out of a person merely by reminding him of his sad material state. Socialists made socialist by poverty are not safe material with which to build an ideal world.¹⁾ Apparently only the Divine consistency can induce a man permanently to say farewell to the goods of earth and to do battle for ideals. The paradox of socialism is that it seeks this world's goods by means of an idealism possible only to those who have been liberated from the entanglements and cares of this world.

The socialist program for universal peace is delightfully simple. Let the workers of France clasp hands with the workers of Germany and let them work out a program for universal brotherhood. This, of course, is all very beautiful. Unfortunately it is completely out of touch with history and human psychology, and it repeats the blunder of the old fashioned economist in that it assumes that human beings are predominantly rational in their desires and attitudes. The socialist takes for granted that the majority of men and women in any society will be capable of an idealism and a self-denial which, as the Christian has long ago learned, will never become realities except by divine intervention. It is easy to feel noble in a comfortable study, just as it is easy to dispense happiness among the poor by distributing imaginary millions; but that, after all, is not dealing with realities. As long as the socialist confines himself to noting the hypocrisies of capitalism, he is

1) An interesting feature of European parliamentary socialism is the fact that as long as a voter is poor his vote is usually cast for the candidate representing some division or other of the left wing; but no sooner does he acquire a degree of material comfort or he "goes liberal," and his vote may go to the moderate left wing or even to the center.

usually on pretty safe ground; but, when he forgets himself and soars to the rarified heights of race-coöperation and universal brotherly love, he has not only forgotten himself but also his neighbors as they really are in the flesh. Furthermore, men do not become loving and self-forgetting merely because they have reached material comfort; if they did, it would not today be necessary for socialists to preach socialism in America, where until the depression the majority were notoriously well off.

As many socialists realize — i. e., those gifted with a sense of realism —, a planned economy would not be feasible for the individual state unless it were virtually self-sufficient. To be workable in the sense of really creating a shared abundance, therefore, socialism would have to be international; in fact, not only would all nations — or at least a significant majority — have to be socialist but they would have to be interested in one another's welfare as a matter of principle. In other words, nationalities would have to be socialist first and everything else second. Now it would seem to be extremely doubtful that the mere fact that states happened to be socialist in economic organization would significantly alter their peculiar national character. Thus Mr. Norman Thomas takes the Russian communists to task for their naivete in supposing that orders issued from Moscow could have any realistic import in the United States; and he points out that, inasmuch as the history and the culture and the present conditions of America are not those of Russia, the socialist program must vary accordingly. He proposes, therefore, a degree of autonomy for the various socialist parties as they function in different countries, meanwhile forgetting that this might become a serious handicap to the dream of international peace under socialism, a dream upon which so much of socialist prosperity is based. If nations, however socialist in their economic organization, vary significantly with respect to history, tradition, and culture, they

may insist upon such a degree of autonomy that they become virtual competitors, and therefore open to the possibility of monetary wars, tariff wars, and, quite conceivably, actual physical combat. Unless, in other words, the several socialist states can educate the citizens in a way such that they will consider their peculiar history, traditions, and culture as things quite incidental and wholly subordinate to their socialism, it is not obvious that the mere fact that such states happened to be socialist in economic organization would make any appreciable difference to international economic arrangements. There remains the alternative of an international socialistic state, and although we cannot say that it is an impossibility, it is quite safe to assert that the West will have to undergo a number of serious military and economic disasters before it becomes significantly probable. These disasters, however, may not be very far off.

A planned world economy undoubtedly constitutes the socialist heaven. Is it realistic? The answer is that, although we can not say in a *priori* fashion that it is impossible, it must be obvious to anyone at all acquainted with the complexity and size of modern industry that its realization would require, to say the least, the very extremes of human ability, persistence, and devotion. To manage a world economy, or even a national economy, is by no means the same thing as to manage a single industry. If the best of human ability is necessary to manage successfully the affairs of but one corporation, the management of a world economy would seem to require nothing short of omniscience. When we consider that much of the successful management of but one industry is a matter of fortunate muddling through, that practically none of the "captains of industry" can offer a rational and convincing account of just why their management happens to be successful, and that the larger and more conspicuously successful corporations manage as well as they do largely because of the momentum acquired

by reason of size and an early start, it must be clear that the hope of producing human beings with the ability and inspiration necessary to manage a world economy is really based upon a belief in miracles.

Socialists not infrequently refer to the war planning carried through by the nations during the World War as an example of what may be accomplished in the way of a planned economy. War planning, however, proves very little. A planned economy may be effective for purposes of waging war, if the war does not last long; but that hardly proves that it would be effective as a permanent economic arrangement. Furthermore, as an aftermath of our own planned economy during the War there are a number of bills outstanding which no one, except possibly a few isolated Americans, expects to be paid. Now a permanent planned economy could hardly expect to do business in this way and hope to make everybody virtuous and happy. Our war planning succeeded — in so far as it did succeed — simply because everybody else was at war, because the markets were artificial, and because the belligerents in sheer desperation paid enormous prices for indispensable materials. No doubt tremendous profits were made, but we today are still paying taxes as a result of these profits. Leaving aside what might possibly be accomplished in countries with a population no larger than the population of some of our cities, is it at all probable that any individual or group of individuals would have the ability necessary to plan and execute the industrial and agricultural strategy of a country like our own producing for a world market? Assuming this to be probable, it must be obvious that such a management would have to dispense with democratic institutions. Too many ideas are as bad, if not worse, than too few. Socialization of the economic life of a major nation would involve centralization and dictation. And if the history of industry under capitalism has

demonstrated anything at all it has shown that centralization on a large scale sooner or later leads to inefficiency.

If under the price system individual initiative and fair competition could really be protected from the ravages of private monopoly, the concentration of wealth, and the despoliation of natural resources, the arguments for socialism would be purely academic. Individual initiative is something for which it is difficult to find a substitute. In England, for example, it has been found that private concerns returning to the proprietor a dividend of from twenty to thirty per cent do not make the same showing when they are converted into limited liability companies. This is due in part to the fact that as limited liability companies they tend to become over-capitalized and thus to increase their costs. Within limits, therefore, the more public a concern the less the incentive to efficiency; that is to say, a salaried manager is not the same as an individual enterpriser, and bonuses and commissions, however effective, do not compensate for the loss of the "master's eye." A salaried manager has not, nor indeed can be expected to have, the morale of a proprietor — "the hireling fleeth because he is an hireling." To assume that the earnings of the community will not be reduced by a compulsory distribution of the national dividend in accordance with some abstractly moralistic notion of equal distribution is to assume that the captains of industry can be converted into socialists sufficiently enthusiastic about socialism to put forth the same amount of initiative and enterprise that they now put forth under the incentive of individual self-interest.

Where society is the enterpriser, necessarily the decision as to whether a given enterprise is a good risk will rest with government functionaries, who will be bound by certain regulations, whether liberal or stringent. If stringent, so that functionaries are confined to risks of a certain type, many good risks will be categorically refused; and if liberal, so that

functionaries are vested with considerable responsibility, the latter will tend to be excessively cautious, since they have nothing to gain if the investment proves to be a good one and everything to lose if it proves to be a bad one. Consequently, many wealth-producing risks considered good ones by enterprisers under the price system will be avoided by the managers of a planned economy, with the result that in the long run less wealth will be produced.

Unless it is demonstrably easier to make saints out of socialists than it is to make saints out of non-socialists, a workable socialism will have to recognize "necessary inequalities." That socialized industry will be more just in the matter of assigning the profitable posts to the able than is now the case is not self-evident. Justice in this respect would seem to be of supreme interest to the pioneer generations who would be primarily concerned with actually making socialism work. But it is not certain that they would avoid mistaking enthusiasm for ability. Furthermore, once socialism has been made to work, the enthusiasm and the justice that made it work might tend to disappear, so that in the course of time it might come about that the sort of reasons which today prompt executives of insurance companies to appoint relatives to lucrative jobs would not seem particularly vulgar to socialist officials. This tendency might, however, be restrained by some such device as civil service examinations — although in the light of American history in this respect one is hardly entitled to optimism; there will always be the temptation to insert considerations of "personality," "character," "general culture," "health," and all the host of other intangibles as convenient screening for any and all kinds of favoritism.

Where society becomes the enterpriser, the initial capital will probably be obtained either by confiscation or by taxation. Subsequent capital requirements must of necessity be obtained by taxation, whether direct or indirect. If direct, "the work-

ers of brain and of brawn" will get their weekly or monthly check minus "so much for capital." Just how much they would actually get, therefore, would seem to be rather problematical. If taxes are indirect, prices will become arbitrary, and an income of from five to twenty thousand dollars a year might not be significant. What would probably happen during the initial stages of socialism is this. The government will make a plan and thereupon raise an industrial army for the purpose of satisfying certain basic wants. Eventually, due to changes in human wants, it will face certain shortages and surpluses. Now if it is to continue planning, the government will practically be forced to adopt a policy of commanding the consumer what he must and must not consume. Thus the problem of a managed economy obviously becomes quite simple. But the question is, Does regimentation of this sort really meet the demands of civilized human beings? Regimentation may work successfully for a limited period of time and for a specific purpose, as for example in the case of war, but as a permanent order of things it would seem to be tolerable only to populations which have known little besides poverty and serfdom.

Economically, therefore, socialism would seem to presuppose a false conception of value. Is the value of a thing wholly determined by the amount of labor it represents—whether of brain or of brawn? A painting, for example, may embody considerable labor, but does that fact determine either its artistic or its economic value? A bankrupt business may represent almost superhuman effort, but that does not make it any less bankrupt. Unless, therefore, the population is compelled to purchase products simply because they represent a certain amount of labor, the mere fact that labor has been expended is not in itself a creation of value. If workers are paid high wages for producing something which people do not

really want but are forced to take, it can hardly be said that labor has produced a value or rendered a service.

It is not very probable that socialism is possible without regimentation. And that under socialism this is bound to be far-reaching seems a commonplace. If the government is to organize the industrial and economic life of a people it must have the power to assign to each member of society his or her peculiar task. But, inasmuch as the government must plan everything, it must inevitably claim the power to do more than merely determine the wants of the population; it cannot stop until it has the power to determine the extent of the population. Then there is the problem of education. The primary function of education will, of course, under socialism be that of producing good socialists. Socialist economics may not necessarily interfere with the ideology of any given religion, but it must necessarily place this ideology in the background as something entirely of secondary importance. Now the distance between this attitude and an attitude of deliberate opposition to such an ideology is not very great. Of course, considering the nature of public education in America this sort of thing is already taking place, i. e., public education, by omitting positive religious and moral training, by implication teaches that a person can be completely educated without religion; so that the inference must be that morality and religion are relatively unimportant. But in America those who do not approve of this type of education have the privilege of establishing their own schools and universities. Would a socialist state tolerate that?

Socialism, even more than Fascism, demands a totalitarian state. The socialist faith is such that to be effective it must be enforced by state action. Within a consistently socialistic state there can be no absolute freedom of conviction for the individual or for minority groups, since whatever does not directly minister to economic well-being must, in a consistent-

ly socialistic state, be regarded as irrelevant and, possibly, parasitical. Ultimately socialism must issue in complete coercion; everything is the business of the state, and there is no freedom of choice except within the narrow limits dictated by economic expediency. Socialism not only demands that the material conditions of life shall be made more tolerable; it also demands that all shall be satisfied with the sort of social organization which it considers to be more tolerable. Ultimately a consistent socialism cannot be satisfied until it has complete control of men's ideals.

Naturally, the socialist will protest, "O, but there will be not the slightest interference with cultural and religious liberties! Under socialism men will be allowed whatever scientific, religious, and æsthetic theories they please." Which is exactly the point — men will be allowed to have theories, but will they be allowed to put them into practice? Suppose that one's worship of God entails among other things a claim to the liberty of doing with one's wages more or less as one pleases, at least with respect to the so-called non-productive interests of life? Suppose that one's religious theories involve the principle that education is properly the function of the parents, who should accordingly have the privilege of organizing independently for the purpose of establishing schools in which instruction shall center about other things than the glorification of the socialist state? Suppose one does not believe that any state, socialist or otherwise, has a legitimate claim upon one's ultimate loyalty? In short, the improvement of man's physical well-being is undoubtedly a good, but the conditions of a more abundant physical life may be such as to destroy the more abundant human life. Of course, a socialist state once successfully established might not be consistently socialist. Consequently, just which of our historic liberties might or might not be retained under socialism is a question to which we can give no final and definite answer.

If we may believe such an idealist as Mr. Norman Thomas, it would seem that socialism militant distinctly involves the economic motive, whereas socialism triumphant would do away with it altogether. We are given the impression that in a settled socialist state men will produce under the dual motivation of the sense of duty and the love of work. Now this would seem to imply that the disagreeable work will have to be done by those who have the strongest sense of duty, so that the better the socialist the more disagreeable the work assigned to him. And that this would be, to say the least, a severe strain upon human nature must be obvious to anyone with a minimum of experience in dealing with human beings. An economic order in which the primary rewards shall be of a spiritual nature presupposes that most men can be sufficiently inspired to remain grandly aloof from the economic aspect of an economic order. The chief end of socialism is economic; and, if the realization of this end is to depend largely upon the efficacy of spiritual rewards, we may safely predict that no consistently socialist state will long survive the passing of the first generation. For it is unlikely that most men can be induced to work for the welfare of society. Given a mechanical equality of goods and of privileges, it would seem almost self-evident that little if any talent will be voluntarily forthcoming to do the brain work, the worrying, and the planning. Ability, therefore, would have to be drafted, and it seems clear that a drafted socialist is at least not an enthusiastic one.

According to the New England Transcendentalists — notably Thoreau — that government is the best which rules the least, and the primary objective of a civilized government is that of making itself increasingly unnecessary. The truth of this parlor anarchism is that one of the marks of a high civilization is its ability to dispense with all but the most elementary functions of government. The state is necessarily the custodian of the right to coerce by means of physical force.

On the other hand, the purpose of civilization is that of fostering individual moral responsibility and thereby making the use of physical force increasingly unnecessary. Now all this implies that there are social functions which individuals and voluntary groups ought to be capable of performing independently, i. e., without the necessity of calling upon the state for support. Whenever, therefore, it becomes necessary for the government to assume functions having no immediate connection with the maintenance of order by threat of force, this is to be regarded as a mark of social immaturity. The proper maintenance of our liberties depends in large part upon the preservation of the sense of individual moral responsibility. Now the economic life of a society involves social functions which in a thoroughly moralized community would have no immediate connection with the coercive powers of the state. When, therefore, the government is compelled to interfere with the economic life of society there arises of necessity a menace to liberty. However, if by their selfishness and indecency the members of society bring upon themselves the strictures of government intrusion it will be rather futile to argue that this or that government policy endangers our liberties: A liberty is useless, and in fact dangerous, if men and women are no longer willing to assume the moral responsibility necessary to make it workable. And where a people persistently abuses the liberties of trade and free contract, it is a question whether it really has a right to them.

8.

CONCLUSION

In conclusion we may observe that our economic system as it actually manifests itself in our streets, in our factories, and in our cities where extraordinary wealth and extraordinary poverty go hand in hand, is bound to produce an unwholesome

social division. Just what inroads communism will in the future make upon our divided society cannot now be predicted. On the other hand, there is no reason to believe that the development and preservation of the profit system constitutes the central meaning of world history. Whether socialism will ever be able to bring about a price scale truly "economic" we do not know. But we may confidently predict that the change from our present system to a socialistic one in the near future must entail coercion, violence, and the temporary suspension of our historic liberties; since it is not likely that we shall all in the twinkling of an eye decide that we wish to try socialism. That in the long run a socialistic order can be consonant with the liberties we now enjoy—freedom of worship, of education, of culture, even the freedom to make communistic experiments (which under socialism would be the freedom to make capitalistic experiments)—is at least doubtful. The pulpit economists among us who flirt with communism under the guise of advocating the ethic of Jesus tend to overlook the fact that an economic system which cannot afford to permit freedom of speech, freedom of religious practice, and freedom of economic experiment is a system which cannot afford to sanction the ethic of Jesus. The men of affairs in a capitalistic system and the economists who seek to rationalize their behavior may not believe in the workableness of the ethic of Jesus, but they are at least sufficiently liberal to allow a free hand to those who do believe in it and desire to experiment; and those among us who today wish to give the ethic of Jesus a chance will experience no official interference. Of course, such an experiment faithfully and honestly conducted might result in an isolated economy, but if men and women were sufficiently fanatical about it they could obviously manage to be at least as well off as the Russian peasant is today. The success of the co-operative movement in Europe, especially in England, shows what can be done in the way of socialistic

experiments under capitalism. Here we behold a socializing of trade and industry requiring no such radical departure from tradition and traditional freedom as would almost invariably accompany a socialist revolution. To preserve the civilization we now have, the most feasible and most humane organization of society would be one in which private and socialized industry¹⁾ would be allowed to exist in competition, the government acting as the guardian of the vital human interests and rights by enforcing the rules of fair competition. And if co-operative enterprise should eventually absorb private enterprise, the socialization of the economic life would at least occur at a time when society had had sufficient experience with socialized industry to be in a position to manage it without necessarily destroying the values and liberties integral to our civilization. The notion that we cannot accomplish the socialization of this world's goods without first taking from all, rich and poor, their private possessions, is pure dogma. Although we cannot predict what will happen in this country in the near, or even distant, future, events *seem* to be moving toward the nationalization of such services as the utilities, the railroads, and the natural resources. If the future should show that private monopolies cannot be sufficiently regulated to make them tolerable, then certainly the most orderly transformation of the present economic order would seem to be the co-ordinate development of nationalized services on the one hand and voluntary trade and industrial co-operatives, on the other. But whether the stress of the times will permit the patience and deliberation necessary to accomplish this only the future can decide.

As we have seen, it is usually maintained by the defenders of the *status quo* that to force upon society a more equal distribution of the national dividend would inevitably bring a decrease in the dividend. This argument seems to contain

1) I. e., socialized by voluntary groups.

some truth; but, unfortunately, the defenders of the *status quo* seem to draw the conclusion that, inasmuch as it would be a calamity to have fewer goods, it is better to have a hopelessly inequitable distribution of more goods. Now if it could be shown that everybody, including the underprivileged, would be getting even less than they are getting now and that the present discrepancies in economic status constitute a necessary condition of the poor getting even the little they now get, there would clearly be nothing to argue about. But this would be difficult to prove except by experiment. The fact that the privileged would get less is quite irrelevant. The defender of the *status quo* must show that society generally would be distinctly worse off both economically and culturally. He must show specifically that a lower income for the privileged and the upper middle classes would definitely injure our civilization. The truth of the matter is that for the time being it is quite impossible to demonstrate that an economy with a diminished total of wealth but a more equitable distribution would be decidedly worse for the race than the economy we now have.

We are occasionally told that the profit system, in making possible large-scale industrial undertakings, encourages "progress." This assumes that human progress and industrial progress are related in a way such that the one is impossible, or at least very difficult, without the other. This must, of course, still be shown—unless we dogmatically assert that such things as culture and religion are impossible without great concentrations of wealth.¹⁾ Now whether an increase in the use of goods and services is synonymous with human progress will depend entirely upon what we mean by progress. If by progress we mean that species of comfort which is achieved as a result of the use of many goods and services,

¹⁾ If, by the way, it is assumed that large-scale industry is impossible without a capitalist class seeking profits, we need only recall contemporary Russia where, whatever the outcome, industry is at least on a large scale.

then, naturally, the more goods and services we get the more we progress. On the other hand, it is probably impossible to decide whether contemporary America or contemporary Germany represent greater human progress than Periclean Athens or early Christianity. There are at least some kinds of culture that seem to make for human well-being quite independently of great wealth and material prosperity. No doubt if a person has means he can purchase more books, attend more concerts, and accumulate more expensive works of art, but it is not clear that this necessarily means culture. There is such a thing as moral progress which, although difficult to maintain under conditions of bare subsistence, is nevertheless possible. A certain amount of this world's goods may be a necessary condition to living a human life, but it is not a sufficient condition; and that large-scale industry and the concentration of wealth makes for better men and a better society is at least not apparent — unless by better men we mean more comfortable men.

Today we have alignments in Central Europe confidently assumed to be impossible at the close of the World War, and a militarism more menacing and insistent than at any time during the turbulent history of the West. Some of the fundamental facts behind this ominous scene are definitely economic — the need of raw material, the need of work, the need of food and clothing. There are millions of mouths to feed, bodies to clothe, and ambitions to satisfy, all of which present a problem practically unknown before the advance of technology made possible the concentration of tremendous populations within small areas. Populations have reached the point of saturation, and it does not seem possible that peace can be preserved without a revival of world commerce. Under present conditions war seems to be the only escape from intolerable want and unemployment. That our mechanized civilization has reached an impasse only deliberate blindness could possi-

bly fail to see. We know what factors stand in the way of world recovery and we have the physical means of removing at least some of them, if not at once, at least in the course of time. But fear, selfishness, and mutual distrust make men and nations incapable of acting. There may be perfectly good historical reasons for all this, but the fact remains that these reasons center about human folly and sin. We know the dangers that threaten to undo us, but we cannot muster the will to remove them. This ought to be food for thought on the part of those who still believe that the cure of all human ills consists in the dissemination of scientific knowledge and that men will do better if only they know better. We today know better, but because of greed and fear we are powerless to act.

APPENDIX

A complete discussion of the problem of distributive justice would include not only major moral issues but also the various immediate, although subordinate, problems of the day. Relative to the purpose of an introductory text in ethics, however, a discussion of the numerous practical problems would lead us too far into the field of economics and public administration. But, inasmuch as some of the contemporary problems present features of primary ethical import, the following brief notes may not be entirely out of place.

(1) We shall doubtless see in the near future an increase in the regulation of private enterprise by the state. Now unless the state manifests a friendly attitude toward legitimate business irrespective of size and capital concentration, this regulation may result in a stagnant market and, eventually, a lowering of the standard of living. The state must appreciate the fact that if the profit system is to remain, the only way to keep business going, workers employed, and the general population

satisfied is to insure the regularity of prospects for making profits. Industry, on the other hand, must try to realize that the only way to avoid detrimental regulation by an unfriendly state is to remove the abuses in finance, marketing, and labor. It must show a willingness, within reasonable limits, to take care of the normal casualties of modern business, such as unemployment, occupational accidents, and occupational diseases. It must learn to refrain from the sabotage of social insurance and collective bargaining.¹⁾ As the creation of our national wealth becomes increasingly dependent upon corporate organization, the latter must increasingly stand for the expense involved in keeping decent people reasonably satisfied.

(2) With respect to the ethical aspects of the stock market problem, we need say only this. The typical manipulation of the market is really quite simple. A group of individuals having the necessary means trade in a stock in such a way that the price of that stock is advanced. The public is thereupon aroused to this by means of the various artifices of publicity, and the greed and stupidity of the average person does the rest. Men buy furiously, thereby playing into the hands of the interested group, which promptly gets rid of its holdings at a profitable price. And from then on the course of events is simply a matter of the bad luck of the public. In order to remove the possibility of this sort of thing, it will be necessary to do either of three things. Society must either make the operations of the market honest; or it must make it possible for the public to be informed and, therefore, to buy intelligently; or it must make it increasingly difficult for the public to trade in the market at all.

(3) If we really wish to avoid the danger of general discontent, it might be wise to reform our corporation law. The desirability of a federal corporation law would seem to be merely a matter of ordinary common sense. Such a law

¹⁾ See Slichter, S. H., *Towards Stability*.

should, among other things, require the director of a corporation to own considerable stock in the corporation he directs; also it should absolutely prohibit his trading in the stock of such a corporation. These provisions would make for a more wholesome sense of responsibility on the part of a director; that is to say, inasmuch as the relation between the director and a corporation would be more analogous to the relation between a business and its owner, a director would be more inclined to identify his own financial welfare with that of the corporation.

(4) Profit-sharing is occasionally proposed as a panacea for our industrial ills. The argument is that there is really no sense in taxing concentrated wealth for the purpose of distributing doles. What is needed is a wider distribution of the national dividend at the very source. This can be done by allowing more to the workers and less to the owners of natural resources, factories, and the means of distribution. By paying employees more and employers less we may avoid the disastrous class feeling so dangerous to the present economic order. Now profit-sharing would seem to be the most feasible way of accomplishing this end. By creating a feeling of partnership as between employer and employee it will eliminate waste and inefficiency and, incidentally, increase the purchasing power of the masses. Many corporations already practice profit-sharing in the form of bonuses to managers and technical experts, and there is no reason why it should not be extended to include the workers. To this end let there be, say, a twenty-five per cent increase in the Federal income tax on corporations, subject, however, to certain exemptions. If, for example, a corporation is found to observe the maximum hours, minimum wage, and child labor requirements of a Federal law, and if it pays ten per cent of its profits to employees in proportion to their wages or salaries but not in excess of a fifty per cent increase of what each is already paid,

then instead of being subject to a twenty-five per cent increase let it be subject to an increase of, say, only twelve per cent, thus allowing it a saving of three per cent. The successful operation of such a plan would entail a greater purchasing power for the worker, a more wholesome attitude of labor toward capital, and more humane conditions of work.

With respect to this plan, we need observe only this. If higher corporation income taxes are inevitable, it would undoubtedly be better to pay a part of the increase directly to workers than to pay it all to the Federal Government. If higher income taxes are not inevitable, the profit-sharing plan would seem at this time to be only another handicap to the revival of enterprise.

(5) We cannot, of course, hope entirely to eliminate greed and gambling. The most we can hope to do is to discourage these tendencies by making their operation more difficult. To this end society might consider the feasibility of encouraging the organization of national trade associations operating under a federal charter along lines analogous to the operation of the incorporated bar associations. This might make for the possibility of enforcing certain elementary principles of business ethics. All business men in control of a given amount of capital should be forced to become members of the association. By improving the ethics of its members and by furnishing designated government authorities with information concerning stocks, sales, and the rate of production, the association might conceivably be instrumental in modifying the severity of business booms with their inevitable aftermath of depression and general discontent.

(6) A national trade association would, however, be able to accomplish relatively little unless credit were controlled by a government agency as independent of politics as our Supreme

Court.¹⁾ Today credit is largely controlled by a few international bankers responsible neither to the public nor to other banks but only to their own stockholders. The proper function of independent bankers, however, is that of financial middlemen, and there is no good reason why they should be trusted with the responsibility of determining monetary and credit policies. Things that are clearly matters of public policy should be in the hands of public bodies. The job of giving the country a sound medium of exchange is a public trust and not something to be left to the discretion of those whose primary responsibility is to a microscopic fraction of the population. Inflations may occasionally be necessary as a matter of policy, but they are always unsafe unless society can rely upon the courage and intelligence of a central board to check both the government and the shortsighted selfishness of individuals. Given the necessary prestige, authority, and the glare of publicity, there is some reason to believe that such a board could serve the nation honestly and wisely. Like our Supreme Court it should be independent of politics, for it must be free to check booms before the disastrous disparities in price movements are well under way. It must, in other words, have the courage to apply the brakes when business is still good and everybody is apparently satisfied. In the near future this may mean arresting the momentum of "good business" before the Federal budget has been completely balanced, before the unemployed have been completely absorbed, and before agriculture has sufficiently recovered to stand on its own feet.

In the final analysis, of course, regulation can do little more than mitigate existing evils, and unless the individuals whom the law seeks to regulate are at one with the spirit of the law,

1) The recently created Securities and Exchange Commission represents an attempt in this direction. It has adequate powers, but whether it will be able to acquire the independence and prestige necessary to prevent monetary and trade disasters in the near future only time can tell.

regulation will not bring about a satisfactory distribution of the national income. Rate and dividend regulations applied to railroads have not prevented financiers from enriching themselves at the cost of the investing public by means of security manipulations. Adequate and wise regulation of the stock market, for example, must do away with market manipulations without at the same time discouraging the sort of speculation which is necessary to keep the market fluid. Obviously this cannot be done by rules alone but must depend in part upon the morality of those who deal in the market. But the conscience of market operators must not be expected to rise above that of the general public merely because society has seen fit to make rules and regulations. Good and wise regulations are eminently desirable, but they alone will not make for a regeneration of our public morals. Honesty and justice are impossible without honest and just men, and the fundamental problem of the economic life is a moral problem.

(7) Modern industry shows an almost irresistible trend toward monopoly. Between the years 1919 and 1928 there were over twelve hundred mergers involving a disappearance of over six thousand independent enterprises. Today, partly as a result of the decline of the export trade and partly because of the monopolistic price policies of so-called big business, an early resumption of normal trade appears to be out of the question, so that to some extent the government will be practically compelled to continue its undercover distribution of doles. Under the price system, monopoly must either be outlawed or it must be controlled. And if both prove to be unfeasible, there is nothing left but to reduce the industries concerned to the status of public corporations, whatever political and economic dangers that may involve.

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CHAPTER X

SEX MORALITY AND THE FAMILY

1.

WE shall not in this chapter be concerned with the question of the origin of the family, for, although there are many interesting ethnological speculations the fact remains that nothing is known.¹⁾ Nor need we pause to consider the evolution of the family from its more primitive forms to monogamy. The influences that dissolved polygamy and polyandry are so varied as to make generalizations impossible; consequently, the ethnologist usually confines himself to an enumeration of "factors" some of which may have been operative here, and others there. On the other hand, such authentic accounts as we have of primitive society leave no room for doubt—and this is about the only safe generalization to be made—that among the primitives tribal bonds were stronger and more consciously maintained than the bonds of family life. In fact, among the primitives the individual himself could exact no claim upon the consideration of others except as such consideration was regarded as beneficial to the tribe; and it was not until the individual had, so to speak, been salvaged from the absolute solidarity of the group that the family became the basal social institution. Prior to what may be referred to as the "discovery of the individual" the relation between the sexes, although more or less rigidly supervised, was a relation purely natural rather than ethical. In so far as the relation between sex and

¹⁾ I. e., from the point of view of ethnology.

reproduction was known, sex was probably regarded as a natural appetite to be regulated for the good of the tribe. This view has its counterpart in some sex philosophies of our own day.

As we should expect, during the pre-ethical stage of family life the rights and duties of the family were determined by social and political considerations, which sooner or later reduced to considerations of population control "in order to insure healthy offspring and the abolition of poverty." Plato, as we know, advocated population control because overpopulation might lead to political unrest and disturb the symmetry and tranquility of the state. In order, therefore, to insure the existence of a perfect state, having a more or less constant population, and in order to avoid the dangers of the rise to political power of the commercial and industrial classes, he advocated a communism of paternity for the rulers and a rigid regulation of the size of the families of all others. Imperfect children, children of the "depraved," and children born to normal parents after the parents had reached a certain age were to be exterminated. In short, the control of the intellectual aristocracy over the lesser elements of society was to be insured, first, by eugenics in order to keep the aristocracy intact and, second, by infanticide in order to keep the inferior classes in their place.¹⁾ Aristotle, although less concerned with the maintenance of a balanced population, followed Plato to the extent of advocating definite population limits,²⁾ in order that the necessities of life might be adequately provided and in order that the population might be properly supervised. To

1) This, it will be noted, is not essentially unlike the reasoning heard nowadays in our sociological seminars where we are told that, inasmuch as the wealthy and the educated have few or no children whereas the "lower" classes have many, the latter ought to be educated to reduce their numbers since otherwise we shall eventually be swamped in a deluge of incompetence and vulgarity.

2) Plato fixed the number of free persons in an ideal state at twenty-five thousand exclusive of a certain number of slaves.

that end he advocated infanticide, abortion, and certain curious regulations with respect to marriage. Whether as a result of the fears of overpopulation on the part of the philosophers or whether as a result of the universal love of display, idleness, and luxury on the part of the upper classes so that, as Polybius records, "the most they will do is to have one or two children whom they may leave rich and in the lap of luxury," it is a matter of record that when the Romans appeared before the Greek and Macedonian cities they found them conveniently depopulated.¹⁾

Among the Hebrews children were regarded as tokens of divine favor, and population control was practically unknown. However, two factors tended to make for limited child-bearing on the part of individual Hebrew women. One was the fact that the ceremonial law, if rigidly kept, implied abstinence; the other was the fact of polygamy (which, however, was never as universal, even among the wealthy, as is sometimes supposed). Naturally such things as infanticide and abortion were quite out of the question, being looked upon as belonging to the "abominations of the heathen." In short, whatever of population control there may be said to have been among the Hebrews was usually the result of abstinence.

Modern propaganda makes the same impressive claims for eugenics and birth prevention that Plato and Aristotle made for abortion and infanticide. By limiting and balancing the population we are said to be able to bring about an increase in the *per capita* income; this will create greater social and cultural opportunities for the many, and thus all men will be

¹⁾ The course of history and whatever "manifest destiny" is involved does not seem to favor the channels of static populations. Incidentally, the practice of birth prevention is today virtually forbidden in France by the drastic law of May, 1932. The reason is, of course, obvious. Like orthodox economics, birth prevention might work in a world in which wars were more or less improbable. Of course, if there were fewer people on our globe there might be fewer wars; and if there were no people (this is apparently the idealism at the basis of the "two-child system"), there would be no wars.

happier and better than they are now. Furthermore, by education we may induce the unfit and the "lower" classes to avoid parenthood; and so in the end we shall have a population which, although limited in numbers, will be composed of the strong and intelligent.

With respect to the validity of this thesis, we need here make only the following provisional observations. The supposition that the younger children in large families are mentally and physically inferior to the older has no authentic support.¹⁾ In fact, the supposition that if parents are healthy and well-born, the more children they have the greater their chances of producing a leader, although not scientifically verifiable, is at least not definitely contradicted by history. Shakespeare, Washington, Napoleon, and Emerson were not among the older children of relatively small families. No doubt it is better to have good homes, fewer children, and adequate resources than to have bad homes, a large number of unhealthy children, poverty, and a tainted environment; but these are purely hypothetical alternatives, alternatives with which in actual life we are rarely faced. The social worker advocating birth prevention undoubtedly has an honest and humanitarian regard for the sick and the afflicted; but we should not overlook the fact that, as a social worker, she tends to reason on the basis of her own specialized and therefore narrow experience with the failures, the incompetent, the morally undereducated, and the victims of vicious habits of living, and that as a consequence she is likely to have a distorted conception of the lives of the poor. There are also millions of normal and healthy mothers and grandmothers among the poor, millions who will never need the ministrations of the social and health worker. That many children are to be found in the homes of the degraded is doubtless a grave misfortune; but to reason that therefore the poor should be

1) See Holmes, Prof. S. J., *The Trend of the Race*.

educated not to reproduce, is not only bad logic but also bad sociology since it takes marital degradation for granted and gives up the struggle for making better homes (unless, of course, by better homes be meant smaller families). In any event, to advocate neo-Malthusianism for the healthy and the normal on the basis of the subjective feelings of the failures is at least not scientific. The fact remains that children of large families, reared in comparative poverty, are frequently superior in mental and moral calibre to those brought up in small families with moderate means. In the last analysis, the quality of the children will depend almost entirely upon the quality of the parents and only rarely upon financial means or upon the size of the family.¹⁾

How can we multiply the best sort of human beings? In the first place, there is no universal agreement as to just what constitutes the best sort, and, in the second place, if there were, we know practically nothing concerning how to breed for them. How is society to know just how many children a given family ought to have, or just what families or races or combination of races would be most suitable for achieving the maximum of human life, or just what ought to be the rate of increase or decrease of the population of our planet? The function of the human race is more than that of making a living; it is, in fact, primarily that of creating a culture that shall make for the most dignified form of human existence. But just what the nature of this culture should be and just which stocks or families would be best suited to realize it, appears to be a question which only a sophomoric mind would presume to answer. Of this we may be reasonably sure, namely, that the improvement of our morals, our intelligence, our national morale, and our manners depends not upon smaller families but upon better ones. And our present knowledge of

¹⁾ Cabot, Richard C., M.D., *The Meaning of Right and Wrong*, pp. 448 ff.

biology, chemistry, and character gives us no ground for entertaining the hope of producing better families by means of chemistry and mechanics. We may lose quality as well as quantity by restricting the birth rate. In fact, we may have reduced quality already. Anyway, the problem of race regulation is so complex and the unknowns are so many that to the question, How breed for human beings of superior quality? the answer must be, We have no way of knowing.¹⁾

Would it not, however, be sensible and expedient to limit population in accordance with the means of subsistence? Whether we turn to Greek speculations or whether we study the recent theories of Malthus we must conclude that history has a way of mocking human calculations. Thus Malthus could have had no conception of the tremendous population increases made possible by the advance of technology, nor can we today hope to calculate any better. Unless we assume national self-sufficiency and a thoroughgoing dictatorial state, we cannot even begin to calculate the optimum quantity of a population, to say nothing of its optimum quality. Society would have to regulate both the marriage and the birth rates, and the population would have to be quite willing to submit to such regulation. Finally, society would have to have at its command sufficient knowledge and power to be able to prevent crop failures, to control the weather, to prevent world wars, and to forecast infant mortality and sterility in particular cases. Granting even such highly improbable powers, there would still remain the utterly baffling problems connected with the question as to which stocks and families were to be kept alive and which were to be allowed to die. There are, it seems, at least two kinds of fools: those who plan nothing and those who try to plan everything.²⁾

¹⁾ That syphilitics ought to be segregated — or at least prevented from marrying — and that morons produced after generations of persistent vice and imbecility should be sterilized is, of course, a totally different matter.

²⁾ A revealing and extremely entertaining book on the follies of population control is G. K. Chesterton's *Eugenics and Other Evils*.

The foregoing considerations will not, of course, impress those already committed to the practice of birth prevention, the vast majority of whom have not the slightest interest in the improvement of the race but are manifestly motivated by such immediate considerations as social ambition, ease, and the avoidance of responsibility. Furthermore, the assumption of the well-to-do is that, in order to maintain the position, power, and prestige of their group, they must limit its numbers (despite the fact that to maintain its numerical proportion to the total of the population the families of any class would have to average about four children per family). Those who favor the "two-child system" on social and economic grounds evidently think in terms of a static social and economic order. That this is quite unrealistic would seem to be evident from the experience of Greece; but, then, the average couple is not at all interested in the long point of view.

2.

Is monogamy natural? If by the naturalness of monogamy be meant that men intuitively realize that monogamy is the most advantageous form of family life so that polygamy must necessarily be a passing phenomenon, the answer must be in the negative. Monogamy is natural only in the sense that it follows teleologically not only from an ethical conception of the relation between the sexes and between parents and children, but also from an ethical conception of the very nature of human personality itself. If we assume the civilization of the West since the beginning of the Christian era to constitute a moral advance upon all civilizations, and if monogamy is one of the conditions of the possibility of this advance, then monogamy is natural in the sense that it is a condition of the possibility of moral and cultural advance. Naturally, even here much will depend upon what we call advance; and if by

advance we mean the progress of technology and the physical sciences, there is absolutely no way of knowing whether such progress could have been achieved in a polygamous society. All we can be sure of is that the morality which the West has taken for granted is indispensably bound up with the morality of the monogamous family. To reject the morality of monogamy, therefore, is to reject nine-tenths of the moral distinctions upon which our present social order is based. Monogamy may not be a fact in the "state of nature" but it is a basic fact now, and any refusal to respect it is essentially a rejection of the present order.

Assuming the underlying respectabilities of present social arrangements, there are some considerations which would seem to indicate that love between the sexes involves permanence. Marriages contracted with the reservation that, if difficulties arise the union will conveniently be destroyed, are tainted from the beginning, and therefore almost fated to end in disaster. The tie in that case is not ethical and self-disciplinary but merely a matter of "sex."¹ This is true not only in the matter of the relation between the sexes but also in every other human relation. In the absence of discipline, conscience, and purpose only the easy things are at all likely to be achieved. How many wars would be won, states established, and societies settled if men following the dictates of ease and least resistance gave up in the face of difficulties? How many persons would become educated if they turned back the moment work became difficult or otherwise disagreeable? Why then should monogamy, one of the most fundamental institutions of our civilization, be thought an exception?

We are told by wise and mature observers of human nature that love between the sexes on an ethical plane is the birth-right of civilized woman, for whom love without permanence

¹ In the sequel the word sex in quotation marks will be used to indicate sex in the sense of an animal appetite.

and security spells disintegration of personality. A passing love is not love on an ethical level; and, from the point of view of the accepted values of our civilization, it is essentially disintegrating and by no means a mode of self-realization. No doubt there are such beings as sex vagabonds even among women, but from the point of view of what we understand by normal womanhood these would seem to be the victims of a morally tainted upbringing or, possibly, of perversions and abnormalities. It is extremely doubtful that a normal woman, once having experienced the ethical values of normal sex relationships on a civilized level, could be a vagabond and fail to realize that life had once held forth a promise which has not been fulfilled. For a woman, vagabondage is at best a drug and at worst a mode of commerce; it is never a mode of life.

Finally, with the advent of children permanence becomes a moral and sociological necessity. Not merely because woman becomes increasingly dependent physically and, more fundamentally, psychically, but more particularly because the marital state now involves the moral development of young lives, the training of their fundamental attitudes and emotions; and this is something with which premeditated impermanence is absolutely incompatible. The building of character — character as evaluated by the accepted decencies of our civilization — is fatally handicapped by sex vagabondage on the part of the parents. Five times as many children of divorce get into sex and other difficulties as do the children reared in an atmosphere of normal family sex discipline.¹⁾ The proper sense of responsibility and loyalty cannot be inculcated in the young if the parents themselves lack that most important species of dependability without which the graces of our civilization are impossible. Where parents lack the stamina to cultivate the graces of self-control, constancy, and loyalty the child is deprived of the models so indispensable for the patterning of

¹⁾ According to the Dean of Men of one of our universities.

his own life. And, if a boy has been reared by parents for whom he can cherish no lasting respect, there can be little hope of his having respect for anything at all. Broken and "sex" polluted homes render the young incapable of such indispensable moral attitudes as the sense of obligation, confidence in others, confidence in themselves, respect for principles, and respect for honesty and loyalty. A vagabondage that destroys homes sooner or later destroys the nation, for with the loss of homes go too many other losses. The children of divorce cannot know that ideals and the moral courage to endure hardship in their service is important enough to make the difference between decency and failure. Divorce means moral and social disorientation for children; and where a parent refuses to give even his own offspring a chance to live a normal life, it is not quite evident that he really deserves an opportunity to "start all over" with another partner. The impermanence of family loyalties and obligations means the impermanence of most of the moral and civic values of our civilization.

Of course, from the point of view of abstract theory and abstract possibility, vagabondage may be a stepping stone to something better, and it may well be that family impermanence is the next step on the road to human perfection. We cannot prove that our civilization and the values it represents are better than their negations through vagabondage, and if anyone consistently maintains that a society based upon polygamy or promiscuity is better than one based upon family permanence there is clearly nothing to argue about. We cannot even prove, as we have seen,¹⁾ that the pleasures of the drunkard are inferior to the happiness of the saints, and to those who willingly pay the price any sort of pleasure is evidently worth while. On the other hand, it is quite plain that the life of sex vagabondage will probably never bring forth fruits worthy of the sacrifice of immediate pleasures, and that in itself would

¹⁾ Chapter II.

seem from the point of view of the normal respectabilities to be sufficient condemnation of it. Vagabondage is not the fruit of toil but of laziness and irresponsibility, and a thoroughly moralized person on the level of reflective morality must conclude that the price of vagabondage in terms of character values greatly exceeds its real value. Successful human living involves self-control and labor, and those who habitually avoid them can hope to "bring no fruit to perfection."

Marriage founded solely upon impulse and feeling or, worse, upon "sex" attraction, assuming that it can have permanence at all, will almost surely fail to realize the fundamental values of the marital state. And those who regard marriage as an escape from difficulties are simply inviting disillusionment and failure. Marriage not undertaken with a will and with a fundamental sense of loyalty to at least some principle of marriage — whether the dignity of the race or the glory of God — may not actually violate the principle of permanence, but it would seem to be fated to become a hindrance rather than a mode of self-realization. Nothing can be a medium of successful living if it is not consciously willed so, and those who assume obligations with the express purpose of relinquishing them whenever they become difficult will never be worthy of any trust. Drifters, whether in matters of sex or in any other fundamental human relationship, are the natural prey of all the predatory forces besetting human weakness.

Marriage is a life-long task, not an escape. No doubt the task is a joyous one, abundant with the adventures and encouragements of fellowship to those possessing the character and the fortitude to make life heroic. To make of the marital relation anything less than "a glory shed upon our path" in the conquest of life and to degrade it to the legalization of an animal appetite is to lose the meaning and the worth of the human pilgrimage and to close the door to the magnificence and the graces that raise human existence above the meaning-

less humdrum of the cycles of nature. Where the poet and the philosopher seek elevation in the color of a leaf or in the shadow cast by a branch or in the romance of some far gone event, the common man may find it in a companionship which, if assumed with a conscience, becomes at least a partial fulfilment of the universal longing for fellowship and understanding. Marriage without at least the beginnings of this complete valuation of the person must sooner or later drop to the level of "sex," the beginning of dissatisfaction and the search for escapes. No one will probably realize the full glories of the ideal; but, on the other hand, there is considerable gain in having the ideal, and, to those who refuse to recognize it, the full meaning of the marital life must remain a closed book. Refusal to accept this ideal of marriage may not be identical with prostitution, but it is none the less tragedy and failure. If it be true that only the fanaticism of some to attempt the impossible can keep the race moving, then it is equally true that a thorough going realist ought never to get married. Successful marriage, like true religion, requires a mystic faith in the absence of which both easily reduce to shams and hypocrisies. Is it any wonder that the Church has always held that a marriage not "in the Lord" is not a true marriage but only a matter of Divine sufferance on account of "the hardness of your hearts"? No doubt this is foolish doctrine to modern ears but, as Thoreau would probably say, in a society of vagabonds the faithful must seem abnormal.

Sex without correlative moral obligations reduces the values of the family to the disvalues of legalized cohabitation. Physical satisfaction is doubtless indispensable to the realization of family values, but in abstraction from the values and satisfactions of the person, in abstraction from the will to assume obligations, in abstraction from the regard and the nuances of feeling involved in the promotion of another's happiness, physical satisfaction — if we may believe the divorce statistics

-- usually plants seeds of sex brutality and personal revulsion. Men and women who have never learned the art of companionship are poor material for the building of a home. The art of companionship, however, is learned only in the school of self-discipline and idealism. And in the last analysis whether it be the normal sex relationship of family life or any other fundamental human relationship, the fundamental difference between an idealist and a realist is that the latter clothes empirical fact with more pedestrian and colorless expectations.

Concerning the question of liberal or rigorous divorce laws, we may observe at once that as a simple matter of common sense marriages easily dissolved will in the end lead to more dissolved marriages; and that, unless we have become quite decadent, rigid divorce laws will probably result in fewer thoughtless and reckless marriages. Rigid laws will not of course convert to decency the vagabonds and the unscrupulous, but they will probably tend to eliminate irresponsible marriages on the part of that section of our youth not yet thoroughly "sophisticated" in the ways of a purely naturalistic conception of sex. The force of public sanctions may not convert the ungodly, but it may impress those halting between two opinions. This may seem to some as a return to the Middle Ages. To such the answer must be that if the Middle Ages stood for bridled sex, self-control, and the sanctity of the family, then in the name of the decencies of our civilization the sooner we return to the Middle Ages the better. The relation between the sexes is today probably freer than it was a century ago, and some may wish to call this liberty and enlightenment; but, from the point of view of the family ideals implied by the recognized virtues of our social order, it cannot but be looked upon as vulgarity. Naturally laws will not solve our contemporary family and sex problems; but, if we have become so utterly undisciplined as to make enforcement of such laws practically impossible, the conclusion must be that society has

allowed things to go too far to be able to prevent, or even postpone, the day of final moral collapse.¹⁾

There are, of course, a number of objections to the traditional point of view, objections urged by those who no longer take the Christian view of the family for granted and by those who, although accepting the Christian view as an ideal, feel that they should be "realistic." And we may as well state at once that these objections are such that, as between those who urge them and the traditionalists, there is nothing to argue about. They can only agree to disagree. For example, it will be objected that, as a result of rigid divorce laws, many unhappily married will suffer. To which the answer will be that it is better that some suffer than that the fundamental moral distinctions at the basis of our civilization should be permanently undermined. Naturally, this answer will not impress those who have no particular respect for these "fundamental moral distinctions" or who do not believe that these distinctions are fundamental, and they will continue in the belief that it is better that divorce laws be such that the unhappily married do not suffer. Obviously, here we are at the parting of the ways. To anyone willing to pay the price for one thing it cannot be proved that something else is better. Another usual objection to rigid divorce laws is that such

1) I. e., the collapse of what thirty years ago were generally regarded as the normal decencies of sex behavior. The larger and more inclusive Protestant denominations in this country seem to have capitulated to the "trend of the times" and the majority of their clergymen probably no longer hesitate to place the mark of respectability upon what, from the conservative point of view, must be regarded as adulterous marriages. The defense of the traditional Christian view of the family, therefore, appears to have been left to the Catholic Church and to the smaller and more obscure Protestant denominations. That these will be able to secure the enforcement of public opinion of the traditional sex regularities seems doubtful.

Incidentally, we need hardly go to Russia for an example of the destruction of the traditional family morality. The divorce rate in Moscow is lower than that of Tulsa, Oklahoma. In fact Russia seems to be undergoing a change of mind—that is, if we may believe recent reports concerning the Soviet attitude toward the stability of the family.

laws, especially if co-ordinated with a strict control of the traffic in contraceptives, are likely to promote prostitution and houses of ill fame with all the disease, dirt, and human misery therefrom emanating. And the answer to this will be that it is better that prostitution be segregated and confined to professionalism than that, as now seems to be the case, the amateur drive the professional out of business; that it is better to have prostitution limited to the sexually abnormal than to court the danger of unchastity and looseness on the part of youth generally. And again to those who see no particular harm in amateur prostitution or who hold a more or less naturalistic conception of sex or who do not believe that contemporary youth is particularly in danger of unchastity, this answer will not settle anything, and they will continue to believe that despite possible dangers it is better to have the liberty to lead one's own life and to allow everyone to work out his own salvation. After all, so they may urge, sex is natural and the only question is, How can it be conveniently regulated? And the question as to what is convenient is simply a matter of one's prepossessions, and there is no good reason why the prepossessions of some should be forced upon those who happen to have other prepossessions. With liberal divorce laws those who believe in the sanctity of marriage are not forced to believe anything else and those who do not believe in this sanctity are not molested in their attempt to find happiness.

A third objection to rigid divorce regulations is that children reared by quarrelsome parents will become maladjusted, so that for the good of the children it is better that the marital union be dissolved. To this the conservative would probably answer that it is better for children to have parents who believe in the reality and the permanence of at least one value and are loyal to at least one fundamental trust than to have parents who, knowing the moral and psychological handicaps

of children of divorce, nevertheless consult only their own individual pleasure and ease. The example of domestic disloyalty leaves children with the impression that loyalty is not a virtue, that principles need not be respected if they bring discomforts, and that the wisdom of life consists in avoiding anything that involves strenuous effort. Divorced parents, in other words, constitute a social menace since they expose society to a generation of disorientated individuals. Now an answer such as this may appeal to the sportsmanship of many people, but it will settle nothing for those who do not believe in the ultimateness of the values nominally recognized by our civilization. And they will point out that the sons of divorce may be maladjusted with respect to the conventions at present upheld, but that these conventions are not the final expression of justice and truth. Change the conventions and, obviously, those disorientated by divorce will no longer be maladjusted.

3.

With respect to the problem of sex morality and the family there are today in the main three views, namely, the naturalistic, the liberal, and the traditional or conservative. For our purposes, it will not be necessary to give a formal statement of these views since they can be indicated in connection with the subject of the morality of birth prevention, to a discussion of which we now turn.¹⁾

The claims made for birth prevention are, to say the least, impressive. If we may accept the testimony of its advocates it would seem to be a panacea for poverty, disease, prostitu-

¹⁾ Regarding the ethics of birth control, we shall confine ourselves to birth prevention as practiced by healthy and normal people, and our conclusions must not be interpreted as necessarily applying to the sick and the pathological. If there is such a thing as "therapeutic birth prevention," the course of wisdom would seem to be that of referring final judgment to the conscience and the wisdom of qualified physicians.

tion, divorce, and domestic unhappiness. Presumably for the benefit of the prudes and the backward we are informed that the up-to-date mind will look upon birth prevention scientifically; that is to say, like medicine and hygiene birth prevention should be considered to be one of the gifts of science — in fact, birth prevention may be considered one aspect of hygiene. Among the primitives, populations were regulated by natural and other calamities such as war, flood, and famine. As man became more conscious of his social obligations to control the number of his offspring in the interest of the group, he invented the crude methods of abortion and infanticide. Today, thanks to science, populations can be regulated by less barbarous means. Contraception involves no destruction of human life, but merely the destruction of a single sperm cell millions of which are normally destroyed anyway.

Before considering the morality of birth prevention, it would seem to be proper to make a brief statement regarding the attitude of the medical profession toward the practice. How does the profession view birth prevention? The interesting fact is that the profession as such has never officially expressed itself on the subject. Furthermore, the individual expert will usually refuse to give a statement for publication, not because he is not sure of himself but because by reason of some obscure point of professional ethics that sort of thing is not done. The only people, in fact, who have not hesitated to put their opinions in print are the lay propagandists of birth prevention. It is probably safe to say, however, that although the expert will not as a rule publicly give the practice his professional support, he is privately satisfied that the dangers to health are not obvious. On the other hand, the supposition that harm may result from persistent contraception seems to have some medical support. However, a discussion of the medical uncertainties here is beyond the scope of this text.

Responsible and authoritative physicians are agreed that the

dangers occasioned by the nature of the present traffic in contraceptives are tremendous. That this form of bootlegging involves the sale of positively harmful mechanical and chemical devices is beyond question. The appliances and chemicals commonly advertised as necessary to the maintenance of "feminine hygiene," for example, are at best worthless and usually harmful.¹⁾ Certainly, if during the Volstead era the illicit traffic in alcoholic beverages involved a more or less frequent sale of deadly poisons, it is rather unrealistic to suppose that the illicit traffic in contraceptives will be less unscrupulous. That this kind of bootlegging may endanger public health — to say nothing of public morals — would seem at least probable. The domestic sale of contraceptives of every description totals some 27,000,000 weekly, an ominous thing when we consider that the number of married women of child-bearing age in this country is not much over 18,000,000.²⁾ From the fact that the medical profession has not risen in arms against the practice of birth prevention one might be inclined to infer that it is not of serious moment to the health of the nation. On the other hand, it should be remarked that although the medical profession has never officially disapproved of birth prevention, neither has it ever officially disapproved of the uncontrolled sale of alcoholic beverages or of the prevalence of houses of ill fame. The medical profession is customarily — and perhaps necessarily — inarticulate with respect to moral, social, and even hygienic problems.

That the practice of contraception has checked the practice of criminal abortion is not a permissible conclusion on the basis of the known facts. There is, furthermore, a respectable psychological basis for the belief that the practice of contraception has probably promoted rather than checked it. At

1) Physicians frankly admit that "feminine hygiene" as advertised in magazines and as understood by the public is wholly a myth.

2) Moore, E. R., *The Case Against Birth Control*, p. 187.

least, it is not unrealistic to suppose that when husband and wife have taken every precaution against pregnancy in the belief that this is entirely moral and legitimate, and subsequently discover this to have been unavailing, they do not require to be abnormally unscrupulous to consider resort to the more desperate and barbarian expedient of abortion justifiable. That the end, if justifiable, justifies any sort of means, still is and will probably continue to be the working superstition of a considerable proportion of any population. No one knows, of course, just how many "shyster physicians" debauch their profession in the service of prenatal murder, but considering such facts as occasionally come to light there is some reason for grave fears.¹⁾ The possible disastrous results of criminal abortion on the health of the female are so well recognized that we may dispense with the formality of citing authorities.²⁾

What about the morality of birth prevention? Regarding this question, there are probably not many who take an out-and-out naturalistic view. The vast majority of nominal Protestants perhaps never bother to take account of what they do or do not believe on this score. Many appear to regard birth prevention as a privilege conferred upon them by the marriage ceremony and they probably deplore the fact that this privilege is being appropriated by the unmarried. Certainly, they rarely entertain the possibility that this "privilege" may be an abuse even of the marital state. The more conservative Protestant ecclesiastical bodies have usually condemned the practice (the Lambeth resolutions constitute an exception, and the pronouncements of the Federal Council of Churches of Christ in America in no sense represent the

¹⁾ The total number of abortions, both criminal and spontaneous, is said to be one out of four or five pregnancies. However, see Williams, J. W., M. D., *Obstetrics*.

²⁾ Some authorities estimate that seven times as many women die from causes connected with criminal abortion as die from causes connected with childbirth.

official attitude of the churches supporting the Council). As we should expect, the only churches officially on record as supporting birth prevention are the Universalist, Unitarian, and Congregational, churches which, whatever their influence in the direction of "morality" and good manners, no longer pretend to espouse the traditional Christian view of life. In its general outlines, the Catholic view of birth prevention is probably representative of the view of all orthodox Protestant bodies. However, none of these denominations, with the exception of some of the smaller ones, have taken the decisive and militant stand taken by the Catholic Church. The larger and more inclusive conservative Protestant churches tend to avoid the question as much as possible. This is perhaps largely due to three factors: First, the majority of the leaders still believe that an official stand in favor of the program of birth prevention would sanction a policy which would be at best a mere circumvention of the moral problem of producing better homes; second, they realize that the practice is a firmly established one with large numbers of their communicants, whom they do not wish to offend, and so they hope against hope that the problem will eventually solve itself (which of course it will not); and, finally, many of them are honestly uncertain as to whether birth prevention on the part of the married is really a violation of the Christian ideal of the family. Meanwhile, they pursue a policy of opposition to any movement to give the practice official sanction. Unfortunately, they do nothing in the way of counterproposals to meet on a moral and religious level the sort of problems which the program of birth prevention is said to solve.

In Resolution No. 15 of the Lambeth Conference of Anglican Bishops, the bishops condemn "the use of any methods of conception control from motives of selfishness, luxury, or mere convenience." But, they continue, if there is a "clearly felt moral obligation to limit or avoid parenthood" and if at

the same time there is also "a sound reason for avoiding complete abstinence," conception control appears to be lawful. In other words, if as a matter of conscience one cannot have children and if besides as a matter of conscience one cannot exercise self-control, then one is morally justified in the practice of birth prevention. Now it would seem rather safe to predict that those who have for other reasons already made up their minds to avoid both parenthood and abstinence will have little difficulty inventing conscientious reasons to suit their convenience. Furthermore, it would seem that about the only people who could possibly have anything approaching "sound reasons" for avoiding abstinence are either those to whom abstinence will be physically and mentally injurious (assuming that to be possible), or those who by reason of a completely sensualistic view of marriage have made continence impossible (assuming that previous incontinence is a reasonable excuse for remaining incontinent). But it is a bit too much to expect that such persons will be capable of a "clearly felt moral obligation" in matters pertaining to sex.

In Resolution No. 15, the bishops assert the doctrine that birth prevention is in itself neither good nor evil and that it is made good or evil according as men's motives are this or that. Now that most people will regard this as another way of saying that birth prevention is lawful if one's conscience does not bother one is a supposition that may safely be made even on the basis of a most elementary knowledge of human nature. The Lambeth resolution implies that birth prevention is not used as a substitute for abstinence always but only sometimes. Unfortunately, just what the word sometimes means each person must decide for himself. And those already committed to birth prevention, for whatever reason, will usually decide that sometimes means most of the time. Finally, the bishops seem to have completely overlooked the elementary psychological truth that greater sainthood and delibe-

ration are required to use a pleasant escape from life without abusing it than are required to avoid that escape altogether. Anything regarded as permissible in exceptional cases will almost surely be abused since human nature is peculiarly ingenious in the finding of reasons why this case or that or, in fact, every case is really exceptional. Pregnancy is always a risk, an additional child is always a burden upon the family income, conditions may always grow worse, one always has obligations toward parents, brothers and sisters, and the next child never comes at a completely convenient time. There will, in short, be no difficulty on the part of anyone in perpetually finding substantial "moral" reasons for preventing the birth of a child.

According to a resolution of the Federal Council of Churches, a "careful and restrained use of contraceptives by married people is valid and moral." Married people, in other words, are entitled to the use of a substitute for continence once in a while. This advice, like the advice given in the Lambeth resolution, is doubtless well meant, but it is so highly ambiguous as to be almost useless. Careful and restrained birth prevention either means a careful and restrained sexual life or it means a careful and restrained use of a substitute for a careful and restrained sexual life. To the former there is of course no objection except, possibly, where there exists the intention of having no children. To the latter, the usual objection is that if one is permitted to use a substitute for continence once in a while its very use will tend to make it increasingly difficult to use it only once in a while. Careful and restrained birth prevention would presumably be practiced only by people who have already disciplined themselves; the others will usually not be careful and restrained. In other words, the Council teaches that the privilege of practicing birth prevention in moderation must be allowed only to those who usually practice continence; and the objection is that this

teaching is quite superfluous because it gives advice to those who do not need it. It is at least doubtful that the advice to make use of birth prevention carefully, conscientiously, and with restraint will have any noticeable effect upon the "sex" realities of young America. There is nothing that can take the place of an early training in moral cleanliness and an early inculcation of uncompromising standards of sex conduct. This, to be sure, is not the easiest road but, on the other hand, anything easy will probably never bring about such a difficult thing as moral and social regeneration. Such evidence as we have from statistics regarding the sale of contraceptive devices, coupled with such evidence as anyone sufficiently interested may gather from personal observation of the morals and manners of our youth, seems to justify the conclusion that the majority of those who practice birth prevention do not practice it in moderation. You do not promote continence and chastity by making it more difficult; and that contraception may promote marital incontinence and that it has already led to a flood of extra-marital unchastity only propagandists will deny.

The opponents of artificial birth prevention occasionally offer an argument which, in general outline, is this. If the practice of birth prevention is permissible in the case of the married, it is not quite consistent to deplore its prevalence among the unmarried. One of the values at the basis of our civilization is the value of chastity. Now, if contraceptive practice on the part of the unmarried is a case of unchastity, then in order to justify the practice in the case of the married one must assume that there is no such thing as marital unchastity. Now, from a premise such as this impatient and undisciplined youth easily (if falsely) infers that within the domain of sex there really are no moral distinctions. For, if marriage makes lawful anything agreeable to both parties and if the only thing standing between what is lawful and what is

not is the ceremony, the ceremony evidently dissolves certain moral distinctions.¹⁾ Now, if marriage is such an institution, that within the marital state the difference between chastity and unchastity no longer exists, then we moderns have surely made of marriage something more metaphysical and occult than the most mystery loving primitives ever dreamed.

The usual reply to this argument is that, although marriage does not do away with moral distinctions, and certainly not chastity, nevertheless inasmuch as marriage consists at least in part in the assumption of certain special obligations not only as between the two parties concerned but also as between these two on the one hand and society on the other, therefore actions lawful within the radius of these special obligations may be unlawful whenever such obligations have not been fully assumed. In other words, given the unqualified acceptance of certain special obligations by husband and wife, then certain attitudes and modes of life will be permissible, although they would not be permissible for those who have not assumed these obligations.

Now an assertion such as this, although abstractly true, does not settle the question as to just what is and what is not permissible on the basis of the responsibilities accepted. The Catholic Church would hold that the acceptance of the responsibilities connected with the marital state justifies the intimacies of love and companionship which normally result in the advent of new life, but that it not at all justifies carnal enjoyment as an end in itself; the Lambeth resolution and that of the Federal Council of Churches would hold that it justifies "careful and restrained" carnal enjoyment; the common man would probably hold that it justifies whatever carnal enjoyment happens to be agreeable to both parties; and the "radical" would hold that any amount of carnal enjoyment requires no justification.

1) This particular step in the argument is, of course, hopelessly abstract.

4.

Evidently, the fundamental difference between the conservative or traditional view and every other view centers about the question of the lawfulness of regarding the marital state as a justification for the indulgence of certain sensuous enjoyments as ends in themselves. Now we may as well admit at once that there is no way of reconciling these two views, nor is there any way of proving the one wholly true and the other wholly false on the basis of premises that both would accept. That an orderly and well disciplined family life is entirely incompatible with "careful and restrained" conception control would certainly be an irresponsible generalization. In fact, it is rather likely that many who practice birth prevention exercise better self-discipline than many who do not practice it. On the other hand, to make the assertion that birth prevention is an aid to morality and that in the long run it is better to legalize it than to be without it, would be to make a very wild guess. In fact, such evidence as we have seems to point in the opposite direction. But to regard birth prevention as something always and everywhere identical with license and prostitution is surely to take liberties with words. In discussing the moral dangers of birth prevention, therefore, we shall not be primarily concerned with the few who seem to possess the self-discipline necessary to practice it with discrimination. This must not, however, be interpreted as an approval of birth prevention even though practiced with discrimination. Sex relationships may conceivably be unlawful without necessarily reducing to prostitution.

What is the reasoning behind the traditional belief that birth prevention as such, irrespective of motives, is morally objectionable? The reasoning is this. Birth prevention is immoral because it deliberately abstracts from a natural process, thus setting up a mere sensual pleasure as an end in itself. The

morality of contraception, therefore, is not essentially different from the morality of the *vomitorium* of decadent Rome.¹⁾ Eating is presumably a means to an end and the moment it becomes an end in itself we have gluttony or worse; and the theory that sex is an end in itself is no less vulgar than the theory that we live to eat. The pleasure connected with eating is to insure that man will eat regularly and thus preserve his body; so also the pleasure connected with reproduction is to insure that one generation will undertake the responsibility of rearing the next. And to make of either pleasure an end in itself is to vulgarize the processes of nature and to contaminate and degrade the dignity of human living.

There can, it would seem, be but one answer to this reasoning. The answer would have to be that, in the first place, contraception and the *vomitorium* correspond so superficially as to make the analogy non-significant.²⁾ Furthermore, setting up a pleasure as an end in itself is not necessarily immoral provided it be done moderately and with discrimination. Moderate and temperate drinking, for example, does not appear to undermine character or the dignity of the race, whereas immoderate drinking of course always does. Likewise "careful and restrained" birth prevention does not destroy the purpose and integrity of the family, whereas unrestrained sexual indulgence, with or without conception control, necessarily does. Now, whether indulgence will be restrained or unrestrained will depend almost entirely upon the mental balance or unbalance of the individual, and those who are mentally "off center" will be unrestrained irrespective of the presence or absence of artificial conception control. The ethical purpose of marriage is companionship, incidental to which there will naturally be a degree of marital indulgence, which will always

1) In the vomitorium, the guests would disgorge themselves by artificial means so that they might enjoy a second time the sheer pleasure of eating and drinking.

2) A very dogmatic proposition.

be restrained if both parties are mentally balanced and respect themselves and each other.¹⁾

One of the traditional objections to conception control is that it constitutes the frustration of a natural process. Here the contraceptionist will usually observe that the deliberate frustration of a natural process can hardly be regarded as necessarily immoral, else we should have to maintain that the frustration of the natural processes incident to disease is essentially a moral wrong. This argument, however, does not seem to meet the traditional objection to birth prevention, and appears to be based upon a false analogy. The assertion that to prevent a birth is essentially the same as to cure a disease must seem plausible only to propagandists.²⁾ The analogy is false because the "remedy" in the case of contraception is applied not merely to frustrate a natural process, but more particularly to make possible the use of a natural function as a means of sensuous enjoyment. In the case of disease, the normal individual does not deliberately place himself in danger of contracting it relying upon science to enable him to enjoy placing himself in this danger with impunity. In other words, if conception control is analogous to the frustration of a disease then it must follow that, in the case of disease, the individual deliberately places himself in the danger of contracting it in order to obtain the carnal enjoyment of so doing, meanwhile looking to science to frustrate any possible unwanted results. The sin of conception control, therefore, consists, according to the traditional view, not in superimposing human intelligence upon a natural process but in diverting a

1) Here the conservative would probably observe that the history of divorce in this country forces upon us an altogether different interpretation. Young America nowadays appears to be rather unaware of "companionship"; else how account for the shocking increase in divorce and amateur prostitution?

2) Of course, in exceptional cases pregnancy may result in permanent injury to health. But this is surely not the rule. Naturally every pregnancy is a risk, but so is every automobile ride, so is every bite we eat.

natural process for the purpose of carnal pleasure (plus whatever spiritual elevation the propagandist may succeed in fermenting out here). Now it is this search for carnal enjoyment that lowers the moral tone of life, as the use of medicine in the cure of a disease does not.

Even among advocates of conception control, there are those who recognize that conception control in itself is no panacea for the moral, social, and economic maladjustments of our day and that, in fact, if abused it may "wreck our morals, devastate our homes, and despoil our nation."¹ These same persons, however, maintain that contraception when "morally and conscientiously applied may usher in a new era of sexual purity, marital happiness, and social regeneration." As we have noted previously, this point of view virtually involves an appeal to miracles, since apparently the degree of moral discipline required to refrain from the abuse of contraception is greater than that required for the practice of birth control by continence, and only the few are capable of such self-control. Anyone at all willing to be realistic must recognize that for the masses contraception is simply a substitute for continence, and decidedly not an aid to it. And if the practice of conception control has the dynamite to wreck homes, morals, and nations the course of wisdom would seem to be that of keeping it strictly out of the reach of the masses.

The advocate of conception control, of course, assumes the impossibility of continence in the marital state; he is, therefore, more concerned with the misfortunes of the unwanted children of vicious homes than with the morality of conception control as such. From the point of view of morals, however, continence must be regarded as a virtue. Now it must be plain to anyone using common sense that birth prevention does not promote continence and that the fear of pregnancy on the

¹ Fosdick, H. E., *Religion and Birth Control* (Published by the Committee on Federal Legislation for Birth Control).

part of the married and the fear of disgrace on the part of the unmarried are much better aids to self-discipline for those halting between two opinions. As a substitute for self-control and abstinence, the legalizing of conception control may be expected to relieve some abnormal families of certain physical hardships; on the other hand, it may also be expected to bring a deluge of premarital unchastity. Thus it will probably solve minor problems and at the same time give rise to much more serious ones. Already we seem to have an over-sexed and spoiled youth, a youth which assumes the marital obligations on the flimsy and absurd basis of "sex" attraction only, and which unthinkingly resorts to the divorce courts for relief from an intolerable situation of its own making only to repeat the same absurdities.

The assertion that fear of disgrace is no help to public morals is surely unrealistic. Lack of public vigilance usually encourages lawlessness, and although vigilance will not make the lawless more moral, by making lawlessness more difficult it will make morality easier for those already disposed to give conscience at least a chance. That the contemporary absence of diffidence in the attitude toward sex is in part due to the success of contraceptive bootlegging is undoubted. The art of pre-marital companionship is no longer seriously practiced by the great majority of our youth because immediate sexual gratification has become too easy.

The contraceptionist has an answer here to the effect that sex, like any other normal function of the race, is liable to abuse and must therefore be regulated for the common good. The abuse of contraception by the unmarried is to be deplored, and the state must sooner or later devise means for its suppression. The most logical and most realistic way out of the present maladjustment of the young would seem to be by way of a government regulation confining conception control to the married and preventing its abuse by the unmarried.

Now, aside from the fact that from the traditional point of view this implies a somewhat nauseating conception of marriage, it must be remarked that regulation of this sort would at this time probably have about as much success as the attempt in the past to enforce the Eighteenth Amendment. We are told that the Post Office Department no longer attempts to exclude either immoral or contraceptive literature from the mails because the public is no longer offended. Thanks to the fervor of some of our social workers and propagandists and to the apathy of state and Federal governments, the bootlegging of contraceptives has already reached such proportions and is regarded with such indifference that a law limiting conception control to the married would probably be incapable of enforcement. Where the public does not consider conception control wrong in itself — as it did not consider drinking wrong in itself — no regulatory laws can stop the tide of pre-marital sexual irresponsibility. And, unless the public can be induced to take the same attitude toward conception control that it now takes toward the use of narcotics, there is little hope of enforcing sobriety and decency upon the youth by a regulation.

Sexual indulgence as an end in itself is a frustration of the noblest type of companionship between the sexes.¹⁾ To reach the plane of this companionship is doubtless difficult, but, on the other hand, the way of ease has never been the way of achievement. That the best development of the human faculties can be achieved by avoiding difficulties is false in every department of life, and it would surely be strange if such an important feature of human life as the relation between the sexes were the only exception. Traditional Christianity has no objection to birth control provided it be “lawfully” done, that is, by way of continence. This, naturally, is difficult, and from the point of view of the sex liberals and sex radicals it

1) Not necessarily true of every case of conception control.

must appear to be impossible.¹⁾ The exponents of the traditional position do not deny that it is difficult; they do, however, deny that it is impossible. Furthermore, they assert that any program pretending to be realistic because easy, cannot be regarded as a serious attempt to solve the problem of sex regularity.

In order to insure marital continence and pre-marital chastity, we require first of all definite standards of right and wrong, which if inculcated from childhood will insure to some extent a habit of self-control. A habit of trying to avoid wrong and of trying to live in accordance with standards firmly and absolutely believed may not constitute an infallible cure of all social and moral maladjustments, but it will go a long way toward making a cure possible. Those who believe that chastity is possible have at least a chance; those who cannot be made even to try because they believe continence to be an antiquated superstition will of course regard chastity as impossible. Naturally, even those who really try will not invariably succeed since self-control and the mastery of one's thoughts require a lifetime of training. But is there anything worth while in this life that requires anything less? Anyway there is a fundamental difference between the moral attitude of those who try and fail and recognizing failure try again, and those who refuse to try because they have been taught to believe that the attempt is unnecessary and absurd. Belief in the possibility and virtue of continence may not lead to perfection, but it does make for the approximation of a quality of life quite beyond the reach and the imagination of vagabonds.

¹⁾ Regulation of the population by moral restraint is mentioned by Malthus as one of the "regulative factors" making for a fortuitous correlation between population and means of subsistence. He refers to this form of birth control as "the practice of a virtue clearly dictated to man by the light of nature and expressly enjoined by revealed religion."

5.

According to Mr. Bertrand Russell, Christianity has, among other misdemeanors, succeeded in covering sex with filth. This is doubtless an unfair accusation, due perhaps largely to the fact that what Mr. Russell calls sex Christianity regards as an abuse of it. When, therefore, Christianity asserts that this abuse is unlawful, Mr. Russell infers that Christianity regards sex in itself as something filthy, forgetting that his conception of sex is, on Christian premises, a perversion of it. Mr. Russell's position, of course, is the old fashioned naturalistic one which regards sex as merely a natural need like eating and drinking. Sex in whatever form, therefore, is about as important morally as, say, individual taste regarding the manner of preparing and serving food. This is, of course, not the Christian point of view. Neither, however, is it the Christian point of view which asserts that sex in itself is filthy. According to the Christian ethic sex, like food or altruism, is a natural fact and as such neither good nor evil but easily leading to good or evil depending upon whether it is used or abused. To condemn the abuse of food or drink is not the same thing as covering food and drink with filth; and to condemn the abuse of sex is not to condemn sex as such.

Nevertheless, it must be admitted that Christianity has built around sex more powerful taboos than around any other aspect of human life. However, this was not because it thought that sex was filthy but rather because it conceived the sexual function to have a sacredness and a delicacy which if made a common thing necessarily produced a deterioration in the quality of life. "Sex" is unholy and filthy, not because sex as such is filthy, but because the mind that reduces it to a common thing is filthy. Altruism abused is folly, food abused is gluttony, drink abused is drunkenness, and sex abused is moral filth. If a thing is easily abused and if this abuse inevitably

leads to the lowering of the moral plane of life, it would seem to be only a matter of common sense to treat it with caution and reverence. Sex because sacred easily leads to sacrilege. It is this sacrilege that the naturalist includes under the name of sex and which Christianity regards as a pollution of life. In sex, the marital companionship reaches a stage, the fruition of which is the sacred privilege and responsibility of bringing forth new life.¹⁾ This is a trust calling for a most strenuous discipline of the sexual life. To engage in the sex function while at the same time refusing the recognition of this trust is to degrade not only the sex function but the very idea of reproduction itself.²⁾ To abstract the sex process from all the richness of the marital companionship and to reduce it to an end in itself is, according to traditional Christianity, a pollution of the marital companionship and the sacredness of the home. To take for granted man's natural weaknesses and vulgarities and to be satisfied with the mere attempt to make them slightly less intolerable by means of chemistry and mechanics means the abandonment of essential spiritual values.

The traditional view of sex and marriage, we shall hear, is unrealistic because it fails to recognize normal sex needs. The answer is: Of course, to those reared in an atmosphere of sex "sophistication," chastity as traditionally understood must be an impossible demand. No doubt in the minds of many today there is growing the impression that sex gratification is a biological necessity, and that it is positively harmful to ignore or suppress it. Self-control, something quite indispensable in other civilized social relations, finds an exception in the case of sex, and continence is a mediæval superstition which science

¹⁾ From the naturalistic point of view the bringing forth of new life is neither sacred nor a privilege, but a mere natural fact which may or may not be a misfortune.

²⁾ Who knows how many "respectable" couples in our more or less decadent society are secretly ashamed of a pregnancy.

has discovered to be a myth.¹⁾ Now obviously, if sex gratification is a legitimate end in itself and if the relation between the sexes has for its purpose nothing higher than momentary sensual pleasure, the trials and hardships incident to rearing a family must seem quite absurd as media of self-expression. That the sex gospel according to Mr. Russell should today find easy acceptance is something to be expected when we consider that the ideals of the present generation are almost entirely centered about pleasure, ease, the drugging of the moment, and the avoidance of responsibility. A generation that has given its animal urges free play before marriage must not be expected to find continence and self-restraint natural after marriage. The conclusion on their part that chastity is impossible is precisely what we should expect, just as we should expect from the drunkard the dogma that perpetual sobriety is unnatural and in violation of the normal appetites of human nature. That continence and sobriety are difficult even the saints will admit; but, between saying that it is difficult and saying that it is unnatural, there is all the difference between achievement and failure. If self-control in matters of sex is difficult, so is self-control in matters of justice, honor, dignity, and intellectual honesty. To live at peace with your neighbor, to guard your health, to bridle your tongue, and to train your mind require discipline and effort; and it would be surprising if such a fundamental thing as sex were the only exception. The price of civilization itself is discipline, and if the benefits of education, good government, and orderly social intercourse demand a limitation of the natural impulses, the reasons for making sex an exception must be overwhelming.

1) Chastity must be an impossibility for a generation which has never been taught the meaning of sobriety and which is sexually spoiled long before it is ready to assume the obligations and self-denials of the marital state; a generation which shoulders these obligations on the basis of the treacherous film of mere physical attraction.

That chastity and continence produce dangerous psychoses is a convenient myth believed by those who have lost all inclination to live orderly lives. Continence may be difficult even for the normal, but it is not impossible. It is impossible only for those who have been taught to believe that it is impossible. They, naturally, will be beset with a thousand imaginary ills and "psychoses." Ask the person who has an ambition, a program, a goal in life whether his health, his sanity, his ability to hope, and his ability to work depend even remotely upon "sex"? There is considerable medical authority for the presumption that if a person really *needs* "sex" he is mentally unbalanced.¹⁾ Naturally, the habitually unchaste will find it impossible to regard chastity as normal. It is probably as impossible for the sexually abnormal to want to be cured as it is for the victims of drink, who cannot see anything worth the hardship involved in the lives of abstainers. Just as it is impossible for the confirmed smoker to believe that the non-smoker can possibly enjoy life, so it is impossible for the sexually spoiled to believe that a life of continence holds any adventure. It must strike the impartial observer that bored men frequently turn for relief to drink, drugs, or sex. If sex has become a necessity there is some reason to believe that life has somehow been badly managed.

Unchastity in some of its stages may be regarded as a disease just as habitual intoxication may be so regarded. That the degree of self-control possible for the normal should be considered contrary to nature by those who have never known self-control is, therefore, exactly what we should expect. That continence, irrespective of early training and early sex discipline, is beyond human powers would seem to be mere dogma. Naturally it will be impossible for the incontinent to believe

¹⁾ See R. McC. Chapman, M. D., *Birth Control and Mental Hygiene* in *Birth Control Facts and Responsibilities*, edited by Adolf Meyer. See also McCann, F. J., M. D., *Contraception a Common Cause of Disease*.

this and, what is more, it will be quite inconvenient for them to believe it. Once men believe that the repression of a natural urge is harmful, the urge is bound to become increasingly insistent. Marital continence is admittedly difficult, but to those who have been taught to regard marriage as the legalization of a natural appetite, it must be impossible. We are told that, during the Middle Ages, men did evil but honored the saints. We today do evil and apparently are not satisfied until we have proved the saints abnormal. Those habitually incontinent will honestly believe that birth control by way of continence is possible only for the sexually deficient. And to preach self-control and abstinence to a generation that has learned to take sex gratification for granted would seem to be just about hopeless.

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I N D E X

A

Absolute, the, doctrine of, 82 ff.
 Abstinence, economic, as deserving reward, 287 ff.; relativity of, 285 ff.
 Action, freedom of, 173.
 Adjustment, perfection of, 144 ff.
 Adaptation, 156.
 Agnosticism, Moral, 22 ff.
 Altruism, 137 f., 144 f.
 Antecedents, and moral action, 61 f.
 Anthropology, 10 f., 339 f.
 Aristippus, 29, 40.
 Aristotle, 4, 78, 89, 146, 340 f.
 Arminianism, 171 f.
 Authority, Moral, 19 ff., 123 ff.
 Averages, and moral standards, 7 ff.

B

Bargain, economic, orthodox definition of, 280 f.
 Behavior, and desire, 33 ff.
 Bentham, Jeremy, 54.
 Birth prevention, 354 ff.; conservative view of, 363 ff.; defence of, 362, 364 f.; morality of, 357 ff., 363; objections to, 360 ff.; regulation of, 367 f.
 Bowley, A. L., 245.
 Bradley, F. H., 86.
 Business, competition in, 291 f.; cycles, and the problem of distribution, 252 ff.; government regulation of, 272 ff.; government planning for, 302 ff.; impersonality of, 279; our business morals, 292 ff.
 Butler, S., 83 f.

C

Calvinism, 171 ff.
 Capital levy, 247 f.
 Capital, under socialism, 322 f.
 Capitalism, planned, 301 ff.; pre-suppositions of, 243 f.

Capitalistic ethics, 56.
 Catholicism, and birth prevention, 358.
 Cause, and constraint, 180 f.
 Charity, in America, 299 f.
 Chase, S., 296.
 Church, Christian conception of, 81.
 Common sense, formalistic elements in, 95 ff., 99 ff.; and morals, 14 ff.
 Competition, in business, 291 f.; and selfishness, 265 f.
 Comte, A., 92.
 Communism, and economic efficiency, 298 f.
 Conscience, 14 ff., 96, 103, 176 f.; Darwinian account of, 141 ff.; as infallible, 123; and reason, 123.
 Consequences, and moral action, 57 f., 98, 105 f.
 Contingency, 167, 188 f.
 Continence, 360, 366 f., 368 f.
 Contraception, dangers of, 355 ff., 366; and abortion, 356 f.
 Contrast, law of, 41.
 Convention, 10 f., 17 f.
 Co-operatives, 328 f.
 Corporate industry, amorality of, 270 f.
 Corporation, the, economic status of, 308 ff.
 Corporation law, Federal, 333 f.
 Credit, control of, 335 ff.
 Crime, prevention of, 235 f.

D

Darwin, Charles, 135, 139 ff., 148; his account of conscience, 141 ff.
 Desire, as conditioning behavior, 33 ff.; and the moral *ought*, 31 ff., 36; and pleasure, 33 ff., 37 ff.
 Democracy, and economic planning, 320 f.
 Deterrence, 218.

- Determinism, 167, 177, 183 ff.; and motives, 182 f.; and responsibility, 179 ff., 185 f.
 Distribution, problem of, 244 ff.; and the business cycle, 252 ff.; efficiency of under the price system, 262 ff.; and merit, 258 ff.; as a moral problem, 261 f.
 Dividends, rigidity of, 249 ff.
 Divorce, 347 ff.; liberal view of, 351 ff.
 Duties, conflict of, 122 f., 129 f.
 Duties, and rights, 196 f.
 Duties-in-general, 127 ff.
 Duty, nature of, 131 f.; and desire, 117 f.; for duty's sake, 119 ff.; and happiness, 116 f.; and the locus of value, 120 f.; and prudence, 122 ff.; and reason, 112 f.
- E
- Economics, and culture, 242.
 Economic motive, the, under socialism, 326.
 Economic planning, 310 f.; and democracy, 320 f.; difficulties of, 319 ff.; under socialism, 319 ff.
 Economic process, amorality of, 259 ff., 269 f.
 Economic theory, fictions of, 280 ff.
 Education, under socialism, 324.
 Efficiency, under communism, 298 f.; and distributive justice, 262 ff., 281 ff.; and regulation, 239.
 Egoism, 137 f., 144 f., 148.
 Election, doctrine of, 168 ff.
 Emergence, theory of, 162 ff.
 Epicurus, 29, 47.
 Epstein, A., 300.
 Equality, 63 ff.; distributive, 244 ff.; under socialism, 315 ff.
 Equity, distributive, 329 f.
 Ethics, definition of, 3; Christian, 97; and morals, 2; naturalism in, 159 ff.; and practice, 4; and science, 5 ff., 11; and tradition, 5, 115.
 Eudæmonism, 48 ff.
 Eugenics, 341 ff.
 Evolutionism in ethics, Chapter V; central theme of, 137; logic of, 136 f.
 Exceptions, rule of, 128 f.
 Existence, struggle for, 153 f.
- F
- Facts, and values, 6 ff.
 Fairbairn, A. M., 169.
 Faith, 168 f.
 Family, the, Chapter X; origin of, 339 f.; permanence of, 346 ff.
 Feeling, 103 ff.
 Fictions, in economic theory, 280 ff.
 Forgiveness, nature of, 231.
 Formalism, Chapter IV; and common sense, 95 ff., 99 ff.; logic of, 98.
 Fosdick, H. E., 366.
 Freedom, of action, 173; of caprice, 175; and choice, 182; the facts of, 175 ff.; Metaphysical, 175; and the postulates of science, 187 ff.; and predictability, 180 f.; psychological, 174; and rational judgment, 180 ff., 189; and sentience, 181. (See Freedom of the Will.)
 Freedom of the Will, Chapter VI; problem of, 168 ff.; and the Church Fathers, 168; Greek conception of, 167 f.; meanings of, 174 f.
 Free trade, 288 f.
 Functions, harmony of, 75 ff., 89 ff.
- G
- Good will, the, theory of, 118 ff.
 Goodness, as a quality, 98 ff.; as a function, 98 ff.
 Government, and business, 272 ff.; and economic planning, 302 ff.
 Guilt, definition of, 222; and state action, 224 ff.
- H
- Happiness, and dogma, 44 ff., 51; and the pleasures of sense, 44 ff.; and virtue, 102; and social reform, 71 f.; as a moral test, 49 ff., 59, 62, 115; as an emergent, 67 ff.; as other regarding, 68; as relative, 66 ff.; calculations, 59 ff.
 Hartmann, Nicolai, 41.
 Hebrew, the, family morality, 341.
 Hedonism, Chapter II; ethical, 29, 42 ff.; indiscriminate, 42 ff.; primitive, 29 ff.; Psychological, 29 ff., 37; quantitative, 31, 40 ff., 46 ff.

Hegel, 1, 84.
 Hobbes, T., 148, 173, 203, 218.
 Hopkins, C. C., 296.
 Humanism, 151, 174.
 Humanity, as an end, 113 ff.
 Huxley, T. H., 135, 156.

I

Ideals, 74; and moral standards, 18 ff.
 Idealism, socialist, 313 f., 316.
 Ideal morality, 1 f.
 Imperatives, 107 f.; and exceptions, 126 ff.
 Incommensurable values, 53.
 Income, national, distribution of, 256 ff.
 Indeterminism, 174 f., 185 ff.
 Individualism, 240 f., 326 f.
 Industrialization, social results of, 251 f.
 Industry and business, 268.
 Initiative, individual, 321 f.
 Instinct, social, and morality, 139 ff.
 Institutions, influence of, 313 f.; and rights, 195 ff., 199 f.
 International trade, 272.
 Intrinsic goodness, 2 f.
 Intuitions, moral, 15 f.
 Intuitive view of morals, 24.

J

Jesus, ethic of, 274 ff., 294; difficulties in the application of this ethic, 277 ff.
 Jurisprudence, 216 f.
 Justice, and state action, 221 ff.; distributive, Chapter IX; criminal, 216 ff.; moral and legal, 192 ff.; retributive, 219 ff., 222 f.; social, 238 ff.

K

Kant, 49, 104 ff., 173 f.; his principle of universality, 108 ff.; his theory of the *Summum Bonum*, 116 ff.

L

Labor, and invention, 271; remuneration of, 259 f.
 Laissez-faire, 207, 259.
 Law, moral, 105; moral and natural, 8 ff.; and morals, 190 f.; natural, 96.

Liberties, civic, 327.
 Liberty, economic, 207 f.; equality of, 205 f.; political, 206; religious, 206 ff.; right of, 205 ff.; under socialism, 324 ff.
 Life, right of, 204 f.
 Locke, 97.

M

Malthus, 153 f., 344, 369.
 Marriage, and self-realization, 349 ff.; as a task, 349 f.
 Marriott, J. A. R., 245.
 Marx, K., 176.
 Materialism, the, of the masses, 239 f., 241 f., 276 ff., 292 ff.; socialistic, 313 f.
 Means, and ends, 3.
 Mechanism, 159 f., 163 f.
 Metaphysics, 3, 11 f.
 Mill, J. S., 30, 52, 56, 63, 70.
 Military virtues, 18.
 Minimum wage, 70.
 Mivart, G., 135.
 Monogamy, 339; as natural, 345 ff.
 Monopolies, 273, 337.
 Monopoly, tendency toward, 307.
 Montesquieu, 97.
 Moral consciousness, 101.
 Moral faculty, 16, 102 f.
 Moral imperatives, 101; as absolute, 117; as self-imposed, 115; characteristics of, 108.
 Moral law, 105; authority of, 123 ff.
 Moral responsibility, 126 ff., 183 ff.
 Moral scepticism, 15 ff., 20 ff.
 Moral tests, 19 f.
 Moral tone, 9.
 Moral values, objectivity of, 49, 116 f.
 Morality, and antecedents, 61 f.; and common sense, 14 ff.; and consequences, 57 f., 98, 105 f.; and desire, 31 ff.; and education, 44; and feeling, 106 f.; and happiness, Chapter II, 115; and health, 138 f.; and the lower animals, 139 ff.; and the natural drives, 158 f., 161 f.; and origins, 152 f.; and prudence, 106, 110; and the social instincts, 139 ff.; and taste, 44 f.; as equity, 148 f.; as objective, 101 ff.; Darwinian account of, 141 ff.; and

our business morals, 292 ff.; reflective, 154, 156 ff., 161; roots of, 132 f.; secular, 123 ff.; Spenserian account of, 143 ff.
Morals, and law, 190 f.

N

National income, distribution of, 256 ff.
Nationalism, under socialism, 312 f.
Naturalism, 25, 151 ff.
Natural law, 96.
Natural morality, 120, 156 f.
Natural resources, waste of, 295 f.
Natural rights, 96, 204 ff.
Natural sanctions, 155 ff.
Natural selection, 153 f.
Necessary inequalities, 311 f., 322 f.
Needs, 21.
Neo-Hegelian, 85 ff.
Normative, and factual, 5 ff.
Noumenon, 85.

P

Parasitism, economic, 296 ff.
Parsimony, law of, 53.
Paulsen, F., 12, 46, 124, 129.
Penal administration, 232 ff.
Perfection, 3, 11 f.
Perfectionism, 73 ff., 88 ff.
Permanent human needs, 132 ff.
Pietism, 119 f.
Planning, economic, under capitalism, 301 ff.; under socialism, 307 ff.; difficulties of, 302 ff., 310.
Plato, 1, 11, 74, 77, 90, 113, 299, 340 f.
Pleasure, as an end, 36 ff.; intensities, 46 ff.; levels of, 36, 39 ff.
Polybius, 341.
Pope, Alexander, 123.
Population, control of, 340 ff., 355; and subsistence, 344.
Positive morality, 1.
Positivism, 55, 57; ethical, 4.
Predestination, 171.
Price system, morality of, 242 f.; theory of, 265 ff.
Privileges, 65 f.
Profit, complexity of, 284 f.; the, motive, an abstraction, 283 ff.; the, motive, ubiquity of, 284; the, system, criticism of, 274 ff.

Profits, 268 ff.; sharing of, 334 f.; and progress, 330 f.
Property, and progress, 330; moral value of, 238 f.; regulation of, 239; rights of, 208 f.; sacredness of, 239.
Propositions, normative and descriptive, 5 ff.
Protestantism, and the problem of birth control, 358 ff.
Punishment, and religion, 236 f.; as moral condemnation, 221, 227, 234; ethical basis of, Chapter VIII; objective of, 231; natural, 226 ff., 229 ff.; reformatory theory of, 114, 218 f.; the retributive principle, 226 ff.; state action in, 227 ff.; theories of, 216.

R

Realism, economic, 267 f.
Reason, and morality, 105 ff.
Recidivism, 59.
Rectitude, 9, 119.
Redemption, 170 f.
Reductionism, 24 ff.; 162 ff.
Reflective morality, 1 ff.
Reform, social and political, 162 ff.
Regulation, government, 332 f.
Relativism, 14 ff.
Relativity of pleasures, 41, 51.
Religion, 1, 11; and socialism, 325.
Remorse, as punishment, 230 f.
Remuneration, economic, 259 f.
Responsibility, and rational action, 189; determinist account of, 183 ff.; indeterminist account of, 185 f.; moral, 327.
Rights, Chapter VII; and duties, 196 f.; and the changing moral consciousness, 199; and enforcement, 191 f.; and institutions, 199 f.; and public policy, 198 f.; and social relations, 194 f.; and social recognition, 195 f., 197 f., 210 ff., 213; as individual in residence, 213 ff.; as truths discovered, 201 ff., 211; "by the law of nature," 200 ff.; legal and moral, 190 ff.; natural and conventional, 203 f.; objectivity of, 211 ff.; protection of, 223 ff.; origin of, 310 ff.; relativity of, 194 ff.
Rigorism, 94 ff.

Risks, business, 268 ff., 289 ff.; societal, 289 ff.
 Rousseau, 42.
 Russell, B., 151, 160, 370, 372.

S

Satisfactions, immediate, 34 ff.; and levels of life, 36.
 Saving grace, 169 ff.
 Savonarola, 90.
 Scarcity, artificial, 305 ff.
 Scepticism, moral, and the "science of ethics," 13; criticism of, 18 f.
 Science, 74 f.
 Self-evident principles, 10 ff.
 Self-interest, 56, 241 f., 266 ff., 282 f.
 Self-realization, 48 f., Chapter III; Aristotelian, 78 f.; Christian, 80 ff.; contemporary, 87 f.; metaphysical, 82 ff.; Neo-Hegelian, 85 ff.; Platonic, 77 f.; Stoic, 79 f.; Utilitarian, 84 f.
 Sex, morality of, Chapter X; views of, 354; Christian view of, 370 f. See Birth prevention.
 Sidgwick, H., 123.
 Slavery, 70 f.
 Smith, Adam, 265.
 Socialism, 307 ff.; difficulties of, 321 ff.; and economic planning, 319 ff.; and the economic motive, 326; and education, 324; and the ethic of Jesus, 328 f.; and equality, 315 f.; as international, 318 f.; and liberty, 327 ff.; and nationalism, 312 f.; and peace, 317 f.; economic possibility of, 314 f.; presuppositions of, 243; and regimentation, 323 ff.; and religion, 325; and rewards, 311 f.; and the totalitarian state, 324 f.
 Social legislation, 63.

Social welfare, 54.
 Socrates, 70, 92.
 Solvency, social, 248 f.
 Sovereignty, divine, 172.
 Spencer, H., 69, 76, 135, 139.
 Spinoza, 82 f., 85, 173.
 State, the, function of, 225 f.
 St. Augustine, 100, 168, 171.
 St. Paul, 170.
 Stock market, ethical aspects of, 333.
 Strategy, financial, 291, 296 f.
Summum Bonum, Kant's doctrine of, 116 f., 119.

T

Temperance, 49.
 Theism, 92, 124 f., 152, 174.
 Thomas, N., 244, 318.
 Thoreau, H., 326, 350.
 Trade, international, 272.
 Tradition, moral, 2; and ethics, 5, 115.
 Types of morality, 1 ff.

U

Unearned increment, the, 310 f.
 Uniformity, as essential to morality, 126 ff.
 Universality, Kant's principle of, 108 ff.
 Utilitarianism, 30, 54 ff., 56, 58, 84 f., 145.

V

Vagabondage, sexual, 347 ff.
 Values, incommensurability of, 53.
 Virtue, and desire, 116; and happiness, 53 f., 115 ff.; as self-rewarding, 122.
 Virtues, Christian, 132 ff.; Pagan, 132 ff.; economic, 293 f.
 Voluntarism, 12.

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